

# **Court of Appeal Technical Office Report**

## **Rule of Law Project**

September 2013

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## Executive Summary

This study was done in Amman Court of Appeal as considered the most overloaded among other appeal courts in terms of workload and that for the purpose to identify the most important challenges facing Amman Court of Appeal in the conduct of its work and proceedings and proposing of the proper recommendations to overcome these challenges and to guarantee the proper and timely procedures at the court. At the same time, this study purpose to spot the light on the experience of the Technical Office at the Court of Cassation and the possibility to replicate the experience in Amman Court of Appeal with the recommendations on how to treat the challenges that might face the establishment of such an office in Amman Court of Appeal.

### ➤ **Bridge the gap in the work process of Amman Court of Appeal**

In the framework of bridging the gap in the workflow of Amman Court of Appeal “**The Legislative framework**” that governs the process of trial procedures inside the court, was reviewed. The court procedures are regulated under the regular courts formation law as well as the civil procedures law, the criminal procedures law, the Conciliation courts law, the enforcement law, the arbitration law in addition to other laws. Some of these regulations need to be revised in the texts that directly affect the workload Appeal Court of Amman without affecting the quality of the provisions and the achievement of justice. From the perspective of the integrated legislative system of the courts work, the amendment to the legislation and in accordance with the overall strategic plan of the judiciary, including those that govern the notification procedures in all courts and its related departments, would positively affect the workflow within Amman Court of Appeal.

It is through the exposure to the **Institutional framework**, Amman Court of Appeal suffer of the lack of clarity in the Job titles and job descriptions resulting in an overlap in work reference and lack of clarity of the powers and responsibilities, in addition to the shortage of technical personnel and administrative support necessary for a proper workflow at the court and the weakness in the competencies, qualifications and skills. This requires a reconsideration of the court’s needs of qualified personnel and also setting a clear and identified job titles and jobs descriptions and the adoption of hiring criteria according to qualifications and skills required for the posts and the Court’s needs. In addition, there is a need to build the capacity of court staff through the development of training programs that meet the needs of the jobs that they occupy, and to set criteria to evaluate the employees’ performance and put motivational programs for employees based on performance evaluations and qualifications.

In the **Procedural framework**, Amman Court of Appeal suffers from some problems in its workflow in addition to the weakness in the proper documentation of these procedures, a weak data entry and the lack of audit and quality control. The court also lacks the unified written work procedures that document the role of each department and registration offices in a clear manner for all employees working at the court. This situation requires a reconsideration of the work procedures at the court and attempt to simplify and accelerate them and try to treat the backlogs points in accordance with the applied legislation that regulates these procedures. In addition, there is a need to prepare a unified procedures manual for all court registration offices and sections.

The court also suffers of the limited space area compared to the its share of the workload, in addition to an improper division and distribution of the departments and registration offices in a way that affects the effectiveness of the workflow, the files transfer and the contact and communication among these departments and offices.

In relation to the suitability of the offices for a proper working environment, most of the departments and the clerks' offices in addition to some judges' offices suffer of poor ventilation in a way that affects the proper work performance and work productivity. This requires a review of the departments and clerk offices locations and distribution to enable an easy workflow, contact and communication among these sections, in addition to the need to rehabilitate the court offices into more suitable working areas that complies with the health conditions.

This is from one side, as of another side the court facility suffers from the shortage in the communication means, the systems, the equipments, the tools and the furniture necessary for proper performance and work adding to that some of the existing above mentioned are very old and not suitable for use. This condition requires an immediate supply of the required equipments, tools, furniture and upgrades some the already existing materials and the need to introduce the proper and suitable automated systems at all the court departments and clerk offices as well as the other legal systems and train the employees on them.

#### ➤ **The Technical Office of Amman Court of Appeal**

Shedding the light on the experience of the Technical Office of the Court of Cassation and the availability of information with the absence of an assessment of actual impact of the work of the technical office in reducing the workload of the Court of Cassation since the date of its establishment , the feasibility of reversing this experience in Amman Court of Appeal lies in the role played by the technical office as management of cases sent to the appeal court and ensure the quality of trial procedures and judgments. However, the establishment of the technical office demands confronting the challenges facing the workflow at the Appeal Court of Amman primarily , as well as the challenges facing the establishment of the Technical Office of the Court in particular , in terms of the need for an amendment to the law of the formation of the regular courts and explicitly articulate on the creation of a technical office the Appeal court or take an administrative action on temporary basis , if possible, until a legislative amendment is made, provide the qualified staff to work in the office and build their legal , technical and administrative capacities, and the provision of adequate infrastructure for the technical Office of the Court of Appeal in terms of space, furniture, equipment, systems and tools , to ensure efficiency and speed of information exchange.

**In all cases, the discussion of the recommendations proposed in this study requires further discussion on the allocations and the available resources, especially with regard to those recommendations related to the hiring of a new human resources, staff capacity building and infrastructure development of Amman Court of Appeal.**

### **Work Methodology**

This study was prepared based on the participatory approach incorporating the judges of Amman Court of Appeal and the judges of the technical office at the Court of Cassation, and the staff of Amman Court of Appeal from the departments and clerk offices, and the team the rule of law project in the preparation of this study. This was achieved by conducting interviews with them to reveal the work status and the problems and challenges they face during their work, and to identify opportunities for the establishment of a technical office in the Appeal Court based on the current status in this court in terms of resources and the technical and administrative capabilities available at the court.

The following have participated in these meetings,:

1. **Head of Amman Court of Appeal**, where the head provided his general directions on the study preparation and reflected the factual needs of the court.

2. **A number the Appeal court judges** where the judges participated in clarifying the challenges and proposed legislative and administrative interventions required to bridge the gap and enhance the work inside the court, in addition to suggestions in relation to the establishment of a technical office at the appeal court.
3. **The general director of the technical office at the Court of Cassation and his assistances**, where they participated in providing a clear thorough picture about the work in the technical office and the success of the experience with the challenges that the technical office is facing, in addition In addition to put proposals in relation to the establishment of technical office at the appeal court.
4. **The Head of the “Diwan” Of staff of Amman Court of Appeal**, where he provided all information related to the organizational structure of the court, the human resources and the work procedures within the court. He also participated to some of the interviews with the judges and the court staff and provided an inventory of the court needs of tools, equipments and furniture.
5. **Appeal Court Staff**, where they participated to the identification of the challenges that faces the court in terms of the procedural framework in addition to the participation in the identification of the court staff needs.

In interviews conducted with the judges a focus was made on the challenges facing the judges in the appeal court workflow and its quality, and the quality of decisions issued by the Court, in addition to the legislative framework and opportunities for the establishment of a technical office for Amman Court of Appeal.

Other meetings were held with the Appeal court staff from various departments and clerk, for this purpose some general pilot questions were prepared to the staff according to their specialty and functional level. The questions aimed to reveal the current status and the problems and challenges faced by employees in the work they do, and the feasibility of the establishment of the technical office from their point of view.

The aim of the pilot questions was meant to recognize the staff of the appeal in terms of their specialization, expertise and the nature of their work and the skills they require to achieve the work assigned to them, training courses that they attended, their needs, their need of administrative supplies, and their training needs, and the skills required to do the work assigned to them from their point of view.

In addition to the meetings that were conducted, all legislation, regulations and reports issued by the Judicial Council were reviewed including the following:

1. The Annual report on the work of the judiciary for 2012.
2. The Annual report on the work of the judiciary for 2011.
3. The judiciary - building strategy 2012-2014.
4. The annual report of the work of the Technical Office of the Court of Cassation / 2012.
5. The annual report of the work of the Technical Office of the Court of Cassation / 2011.
6. Formation of the Regular Courts Act, as amended, No. 17 of 2001 and the rules and regulations issued pursuant thereto.
7. The Technical Office of the Court of Cassation bylaw for 2010.
8. Instructions on the competence and the administration of the Technical Office of the Court of Cassation for the year 2010.
9. Information, data and documents supplied by the Ministry of Justice and Amman Court of Appeal.
10. Laws and other legislation in force governing the work of the appeal courts.

➤ **Data and information analysis and report writing**

The collection of information and data documented in this study through interviews with the judges and staff from different functional levels, the gathered information was supported by official documents, and several other sources in addition to the field observation.

It has been emphasized for people who have been interviewed that the goal of this study was to bridge the gap in the workflow between reality and the needs of the current work and what is desired at the sections and clerk offices of Amman Court of Appeal, and at the same time come up with recommendations on the establishment of a technical office at Amman Court of Appeal. It has also been emphasized that the information they provide is considered one of the most important inputs which will be depended on to come up with the recommendations on the development of the work within the Appeal Court, and the possibility of the establishment of a technical office for the court.

The report provides an analysis of the current status at Amman Court of Appeal, in terms of its workload and the workflow the court have, in order to identify the challenges the court face and come up with recommendations to bridge the gap in the court functions. It also includes a presentation of the experience of the technical office at the Court of Cassation and the consequences of the establishment of the office to come up with recommendations to address the challenges facing the creation of a technical office at Amman Court of Appeal.

This study has been conducted at Amman Court of Appeal because it is considered one of the most loaded appeal courts, nevertheless the recommendations emanating from this study can be replicated in the other two appeal courts, taking into consideration the nature of each court, the size of their labor, and the human and administrative resources at their disposal.

During the study to bridge the gap in the functioning of the Appeal Court and the possibility to establish a technical office at the court has been addressed in three main axes, and that is through the demonstration of the current status, the size of the gap, the challenges, the recommendations proposed to meet these challenges and how to bridge the gap at Amman Court of Appeal, as well as the challenges facing the establishment of the technical office at the Court.

The axes include:

1. The legislative framework (legislative framework for the work at Amman Court of Appeal and the legislative framework for the establishment of the technical office).
2. The institutional framework (organizational structure, human resources and the needs of the technical office).
3. The procedural framework (working procedures and infrastructure and the needs of the technical office).

## Preface

### First: A brief on Amman Court of Appeal

The appeal courts are of the second degree of litigation and are competent to hear the appeals that the court is given the powers over under the provisions of the law, and those are:

1. Appeals provided to the court to overrule the judgments issued by any first instance court.
2. In the cases where the Conciliation (Magistrate) courts law articulates that the judgment should be appealed.
3. In any other appeal submitted to the court under any other law.

The court is also specialized to look into the requests to appoint the competent court, and that is in the case where a conflict occurs whether positive or negative among two conciliation courts, or among a conciliation court and a first instance court, or among two first instance courts that follow the same appeal court.

The law of the formation of the regular courts and its amendments No. 17 for the year 2001, regulates the formation of the courts of Appeal and their sessions for the purpose of considering these appeals, where the court of Appeal to be held with at least three judges and headed by the judges who are ex-officio members of the Judicial Council. There are three courts of appeal in the Kingdom and those are in Amman, Irbid and Ma'an.

Other laws, including the Code of Civil Procedures and the Code of Criminal Procedures, and the law of the Conciliation courts, and the enforcement law and the Arbitration law, indicate the judgments and decisions that may be appealed before the Court of Appeal and the mechanism to submit such appeals, the conduct of trials in court, and workflow inside the court and its relationship with the other courts and departments.

## 1. Competencies and principal tasks of Amman Court of Appeal

### 1.1. The legal and technical competencies

The Appeal court is competent of the following:

- A. The criminal and civil appeals submitted to the court and issued by any of the first instance courts, and any other appeal submitted to the court by means of any other law in force.
- B. Receive the request to appoint a competent reference in case of conflict of jurisdiction, whether of negative or positive sort, among any two conciliation courts, or one conciliation and a first instance court, or two first instance courts that follow the same appeal court, and to look in these request a revision.
- C. To look into the cases returned to it by the Court of Cassation with negated judgments.
- D. To supervise and decide in matters in relation to the court's work, including that of forming the special committees articulated by the laws and regulations in force.
- E. Check on the prison houses and the detention centers located in the
- F. Inspect on the prison houses and the detention centers located in the center of the court's jurisdiction, and make sure there is no prisoner or any arrested or a detained is present in these centers against the law and that is by the powers granted to the Head of the Court by the applicable laws.



### 1.2. The administrative tasks

- A. The Court of Appeal is competent of the following:
- B. Develop strategic plans for the Court consistent with the vision, the policies and the objectives of the judiciary.
- C. Review the organizational structure of the Court, and to propose any adjustments relating to the organizational structure, and description of the main tasks of the administrative units, which would contribute to the development of the judicial system.
- D. Document and improve the work in the court proceedings and automate of these procedures in accordance with the concepts of quality management to ensure the proper functioning of the court and provide its requirements.
- E. Identify training and development needs of the court staff, and work to provide the proper training and qualifying programs.
- F. Identifying the needs of human resources in court, and provide the proper instructions for this purpose.
- G. Follow-up on the financial affairs related to the preparation of a the special budget draft for the court and follow-up on its implementation after being officially approved, and insure the collection of fees and other charges in accordance with the applicable legislation.
- H. Provide the needed supplies for the Court of materials and equipments, and provide the court with other administrative services and support of printing, imaging, cleaning and other services.

## 2. Workload at Amman Court of Appeal<sup>1</sup>

There lies within the territorial jurisdiction of Amman Court of Appeal five directorates and those are (Amman, Salt, Zarqa, Madaba, and Karak) where Amman Court of Appeal is entitled, in addition to its original competence, to look into all appeals referred to it by the first instance and conciliation courts in addition to lease rights

It is noticeable that the appealed cases registered at Amman Court of Appeal tend to rise up slightly by 2.2% in the year 2012 compared the year 2011 that was 1.1%. The number reached 47 681 cases in the year 2011 and the number rose to 48 741 cases in the year 2012. The number is expected to continue to rise up to 49 825 cases in the year 2013.

Accompanied by the high number of registered cases a rise in the number of adjudicated cases, the number of adjudicated cases has risen from 47 747 cases in the year 2011 to 48 959 cases in the year 2012 with an increase of about 2.5%.

The average burden of the judge at Amman Court of Appeal is moving towards a decrease from 750 case per year in the year 2011 to 690 case in the year 2012, and attributed this reduction to the increase in the number of judges where Amman Court of Appeal witnessed the highest increase in the number of judges from 71 judges to 78<sup>2</sup> judges in 2012. The burden of the court panels also levered from 2315 cases in the year 2011 to 2339 cases in the year 2012.

From another side, the achievement average of each judge reduced from 672 cases in the year 2011 to 628 cases yearly. Nevertheless, the achievement average of each judicial panel increased to 2129

<sup>1</sup> The annual judicial report for the years 2011 ,2012

<sup>2</sup> The number of judges according to the data of the Appeal court of Amman of the year 2013 is 75 judges forming 25 panels

cases in the year 2012 with a raise of 2075 cases more than the cases in the year 2011 all due to the increased number of judges in the court the year 2012.

The Figure below indicates the workload at Amman Court of Appeal for the years 2011 and 2012 and forecasted for the year 2013<sup>3</sup>.

year	Number of judges	Number of panels	Pending Cases	Registered Cases	Decided cases	Total pending and registered cases	Decided cases/ registered	Average work load for each judge	Average work load for each panel	Average Achievement of each judge	Average Achievement of each	Decided cases/ pending and registered	Average Monthly work load
2011	71	23	5583	46781	47747	53264	100.1%	750	2315	672	2075	89.6%	63
2012	78	23	5052	48741	48959	53793	100.4%	690	2339	628	2129	91%	57
2013	78	23	4834	49825	50202	54652	100.8%	701	2376	644	2183	91.8%	58

Despite of the slightly improvement achieved inside Amman Court of Appeal concerning the reduction of the workload, the court is still facing challenges related, in the first place, to the changing number of judges in the court from year to another resulting of the continuous movement and delegation of judges and other reasons.'

### 3. Staff of Amman Court of Appeal

The judges in the Court of Appeal of Amman carry out the functions and powers entrusted to them with the support of a staff composed of legal assistants and a support staff that follows directly to the Ministry of Justice. The number of staff of Amman Court of Appeal reached 123 employees<sup>4</sup>, spread all over the departments and clerk offices at the Court and according to the job titles officially approved in the court.

### 4. Challenges and problems

Amman Court of Appeal faces, as any other court, problems and big challenges in relation to the work environment in relation to the infrastructure and the logistical support suitable for the work conditions, or from administrative perspective suffers of shortage in the adequate staff, the job and function description, work overlap, overload and other difficulties.

The Judicial annual report for the year 2012 the most important conclusions regarding judges and court staff, which in turn, apply to Amman Court of Appeal and affect the workload in it, in terms of:

- The lack of objective criteria to determine the size of the monthly and the annual burden of work for the that is not allowed to be crossed and linked to the monthly and annual achievement rate or the case types in process, according to which the courts of judges is determined in order to decrease the workload and achieve justice in a timely manner.
- The inactivation of the judicial specialization principle in courts as well as the Public Prosecution.

<sup>3</sup> The judicial annual report for the year 2012

<sup>4</sup> According to the available data at the Appeal court of Amman on march 2013.

- The descriptions and Job titles for the majority of staff in the courts are not applicable on the ground because of the lack of staff and the incompatibility of the profession requirements with the job descriptions, whether of the degree or experience level. The absence of accurate job descriptions that fit with what is on the ground, and the ambiguity of the organizational structure also leads to an interference in the terms of reference of work and generates ambiguity in the responsibilities and functional powers, and makes the staff carry out tasks that are not originated in their job descriptions..
- The work load in some of the sections and departments is not appropriate to the number of employees performing in them especially with of the presence of a large number of clients most of the times.
- The appointment of staff is not often based on any objective grounds or a specific methodology considering the candidates academic qualifications, their years of experience or personal skills necessary to perform the job tasks. Some of the employees lack the knowledge or legal expertise needed to carry out the tasks entrusted to them which leads to the occurrence of a number of errors in work that could be treated by setting clear and specific grounds to fill the job vacancies.
  - The lack of a suitable incentive system based on a realistic assessment of the performance of staff in line with the objectives that are clearly defined and agreed upon in advance.

## **Second: a brief on the Technical Office of the Court of Cassation**

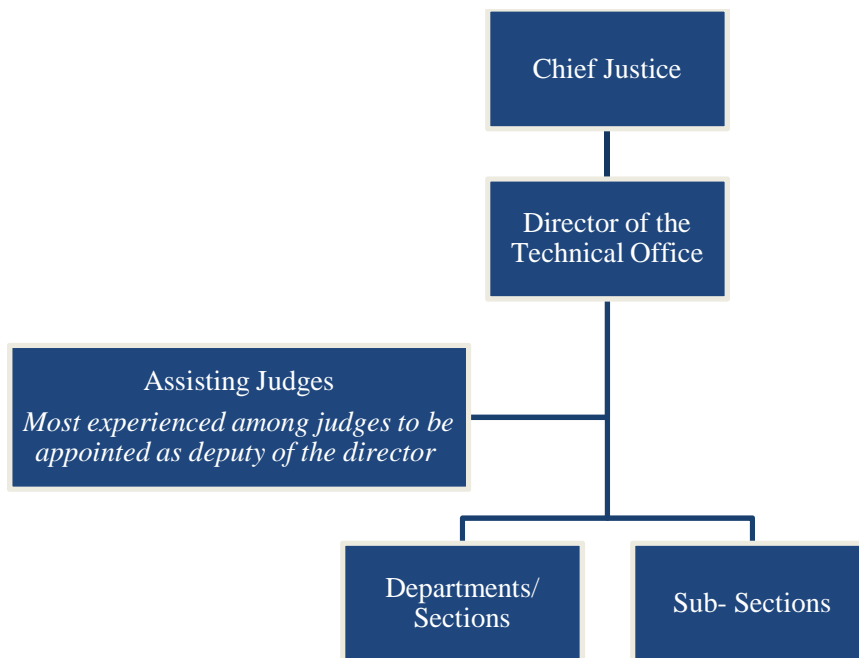
The Technical Office of the Court of Cassation was established in accordance with the article 12 of the Law on the Formation of Regular Courts, the bylaw of the Technical Office of the Court of Cassation for the year 2010, and the instructions on the competencies and management the Technical Office department at the Court of Cassation for the year 2010 , in purpose of providing the needed legal, technical and administrative assistance, as well as the classification of cases and requests in preparation for their distribution on the judicial chambers at the court , following their competencies, and to provide these chambers with what is required of legislation and precedents in relation each case , and to deprive the legal principles set by the Court of Cassation, and To index the principles to facilitate their publication, and carry the necessary analysis and studies of the precedents to raise the quality and accelerate the Court of Cassation performance.

The Technical Office has proceeded with its duties in support of the Court of Cassation in March of 2011, when the Council of the Judicial Council has decided to appoint a judge of the Court to work as Director General of the Office, and other four judges as well as a number of legal researchers and auditors to provide legal and administrative support for the office.

The Strategy on building up the Judiciary (2012-2014) included a major goal for the development and empowerment of the technical office in elevation of the functions and powers entrusted to the office.

### **1. The structure of the Technical Office of the Court of Cassation**

The diagram below indicates the structure of the Technical Office of the Court of Cassation in accordance with the applied laws, regulation and instructions:



The Technical office is managed by a judge of the high judicial level to be delegated by the Judicial Council either added to his original workload or on full-time basis, based on the recommendation of the Head of the Council for a period of four years, subject to renewal. In addition o a group of judges are delegated by the Judicial Council to serve in the Technical Office based on the recommendation of the Office Director for a period of two years subject to renewal. The deputy director will be appointed of the most experienced among the appointed judges in the office who exercises the powers of the Director in his absence.

In the current situation there are three judges assigned to work for the technical office.

## 2. Powers of the Technical Office of the Court of Cassation

The powers of the technical office as set by the Technical Office of the Court of Cassation bylaw for the year 2010, and the Jurisdiction instructions and administration of the technical office of the Court of Cassation for the year 2010 includes the following:

- A. Provide legal support and technical and administrative support to the Court of Cassation including classification of the cases and the requests received by the court for the purpose of distributing them on the judicial chambers in accordance with by their competence, and to provide these chambers with the necessary legislation and precedents relating to each case, each according to its nature and abstract, and any other studies and legal research needed by the court.
- B. Extract legal principles established by the Court of Cassation as set in its issued judgments, and take the necessary measures to facilitate its publication.
- C. Analyze the precedents and provide any related necessary reviews and studies to the Head of the Court of Cassation, by this contributing to the stability of the legal principles.
- D. Provide the courts with legislation and precedents that the Director deems necessary to be provided with.

- E. Recommend to the Chief Justice to process the appeals by a public panel if the appeal was not previously dealt by the court, or when a contradiction occurs among previously rendered decisions by the court on the same subject.
- F. Supervise and manage the library, and provide the library with the necessary legal references, periodicals and various other legal research sources.
- G. Recommend to the chief justice to convene specialized trainings for the legal researchers, the court staff and the technical office staff, in order to develop their skills to better perform the tasks assigned to them, and collate, preserve the training materials and documents provided in these trainings or any other seminar or judicial workshop.
- H. Any other duties as assigned to the office by the judicial council or the Head of Cassation Court.

The Office also provide many of the technical legal studies that are assigned to it, and disseminate on the different courts the court panels decisions if they comprise innovative or controversial topics . The Office also provides the judges with the jurisprudence of the Jordanian Cassation Court and cassation courts of other Arab countries.

As a result of the workload at the Court of Cassation the role of the technical office was limited only to the review of the civil cases including the customs and tax cases and with specific types of criminal cases only.

### 3. Human resources of the Technical Office of the Court of Cassation

According to the bylaws and instructions the director of the technical office is entitled to nominate the heads of clerk offices and heads of other sections in the office while the establishment, the abolishment, the merging or changing of these sections and divisions remains in the hands of the judicial council upon the recommendation of the director of the technical office.

There are two sections<sup>5</sup> currently functional at the technical office as follows:

- The audit section
- The abstracting section

The delegated judges assigned to work in the office are assisted by a staff composed of seven legal researchers in charge of abstracting, research and audit, and seven auditors among which two are proofreaders.

Despite the availability of approximately 14 technical staff within the office, however some of these employees do not follow or not affiliated to the technical office staff which leads to an overlap in the administrative reference of the office staff.

A difference in the job titles in the technical office occurs in reality among those titles mentioned above and those provided by the Ministry of Justice<sup>6</sup>, where the data indicated that the presence of the following Titles:

- Principal Legal Researcher
- First legal researcher
- Statistic specialist
- Statistics specialist

<sup>5</sup> Based on information provided by the technical office of the Cassation Court

<sup>6</sup> According to the information provided by the Ministry of Justice

- Third Data entry person

However, these job titles don't exist in reality the technical office as the case in any other court in terms of job titles.

#### 4. Information Technology

The technical office doesn't use special software in relation to the cases followed by the office and limited only to the use of Al Mizan software in case of necessity and that is when information is required about specific cases followed by the technical office.

From another side, the technical office use two legal software dedicated for legal research and those are the Qistas and Adalah softwares.

The technical office also use internet for the purpose of Arabic and Jordanian legal research. However, the office suffers from the lack of the necessary financial resources to subscribe to some the Jordanian and Arabic libraries or forums or legal networks.

#### 5. Effectiveness of the experience of the Technical Office of the Court of Cassation<sup>7</sup>

The technical office could and since its establishment and until the end of the year 2012<sup>8</sup> could, in addition to the other tasks, of review and audit all civil cases registered at the Court of Cassation throughout the year 2012 and that is by completing the appeal requirements and the fulfill the admission form conditions of the appeals, perform a an introduction of the cassation judgments, summarize the appeal reasons, review the judgments text after printing and work to archive and automate all judgments issued by the Court of Cassation.

In practice the technical office plays an essential role in the management of the case submitted to the Court of Cassation and consequently preserve the quality and speed in the case procedures and contribute to the reduction of the workload of the court. Nonetheless, there is no available information about an evaluation made to gauge the impact of the technical office of the Court of Cassation work on the reduction of the workload at the Court of Cassation since its establishment.

The effectiveness of the technical office of the Court of Cassation can be exposed in the achievement of the following results :

- Reduce the workload of the judges of the Court of Cassation, where the audit process and abstracting is carried out by the qualified technical office staff and formats have been developed and followed for this purpose by the staff. .
- Reduce the workload of the Court of Cassation, where the technical office review the case files referred to the Court of Cassation when registered and complete the requirements for the appeal and the admission formality requirements of these appeals. For this purpose the technical office managed to check on all the civil cases at the Court of Cassation in 2012, which reached about (4535 cases).

<sup>7</sup> According to the available information provided by the technical office of the Cassation Court on March 2013

<sup>8</sup> The annual report of the judicial authority for the year 2012

- Contribute to the cut off the door for the delays and to accelerate the distribution of cases, where the office could reduce the percentage of cases that were appealed to prolong the litigation from 4% to 1%.<sup>9</sup>
- Reducing the litigation period, especially those cases that are rejected in form, by separating these cases and accelerating their distribution and disposition. Currently those cases that are rejected in form still being distributed with other cases but that does not affect the speed of their disposition<sup>10</sup>.
- Speed in the provision of resources and research and documentation of the decisions for the judges of the Court of Cassation..
- Accuracy of decisions in terms of linguistic and typographical errors, the errors in the article numbers and the case numbers referred to in the Court of Cassation judgments.
- The quality of decisions in terms of providing precedents and references relevant and supportive to the case subject.
- Unification of the decisions of the Court of Cassation and avoid the contradiction between them.
- To provide a reference of the jurisprudence of Jordan and the Arab countries for all Jordanian courts.
- Work on archiving and automizing of all judgments issued by the Court of Cassation, since its inception work will be completed during the year 2013.

## 6. The challenges facing the Technical Office of the Court of Cassation

One of the main challenges facing the work of the technical office, its development and improvement of its performance is represented in the following:

- There is no system that provides scientific indicators about the volume of work within the technical office; the only assessment of the workload at the office is made through manual statements.
- There is no special information system specialized for the technical office that undergo a periodical evaluation, thereby helping to identify the weaknesses and strengths of the office, and knowing the size of the information gap and the accuracy of the data between the Technical Office system software and the Mizan software to bridge the data gap.
- Lack of qualified judges and diversity of the staff specialties working in the office, which weakens the legal, technical and administrative support provided to the Court of Cassation , and the ability to provide the court with legislation and legal precedents .
- Lack of periodicals and legal research and studies which are being prepared , sources and legal books with the latest legislation and precedents , in addition to the lack of financial resources that enable the technical office to subscribe to the libraries, legal networks and forums in Jordan and the Arab world .
- The lack of an annual work plan that is realistic comprising specified tasks and responsibilities, and that is scheduled and budgeted for the needed activities.
- Weak capacity of the staff in the office as a result of the lack of specialized training provided to them according to their real training need. The only training the office staff

<sup>9</sup> According to the information provided during the interviews and meetings with the technical office judges, knowing that a study to measure the actual impact of the technical office of the Cassation Court on the workload of the court.

<sup>10</sup> According to the information provided during the meetings with the judges of the technical office



receives is limited only to the training provided by the office judges and from legal perspective only.

In practice, the work carried out by the technical office is provided according to the available capabilities of the office. The technical office looks forward to be supplied with the additional numbers of judges, legal researchers, auditors as well as judicial reviews to perform his duties fully including all the cases received by the Court of Cassation and participate there to the unification.

## Study results and findings

This part of the study comprises a summary of the results of the legislative review made on related legislation in the office and the annual reports and the guiding questions form and information provided during the study by Amman Court of Appeal and the Technical Office of the Court of Cassation, in addition to the meetings that were held with the judges and staff during this study. The results are summarized as follows:

### A. The Legislative Framework

The legislative framework comprises two parts, they are:

1. **The legislative framework of Amman Court of Appeal** work which clarifies the legislation that governs the workflow of Amman Court of Appeal and the challenges generated from the application of some of the legislative texts.
2. **The legislative framework for the establishment of the Technical Office for Amman Court of Appeal** which clarifies the legislation connected with the establishment of a technical office and the challenges generated as of the application of some of the legislative texts.

#### 1. The legislative framework of Amman Court of Appeal

The trial procedures at Amman Court of Appeal is governed by the legislative texts articulated in each of the Civil Procedures Law, the Criminal procedures Law, the Conciliation courts law, the enforcement Law , the Arbitration Law in addition to other laws, where these legislation regulates the laws, the judgments, the decisions and the procedures subject to appeal at the appeal court , also the procedures to submit the appeal and perform the related notifications, and the cases that are processed by the court hearings in pleading form or in audit form in addition to the conduct of hearings before the court.

In the process of implementing strategic plans of reform of the judiciary and to reduce the workload of the courts in general, and to increase the quality and speed of courts performance, the legislation regulating the workflow within the courts underwent for a range of modifications one of the most important recent was the transfer some part of the Appeal courts' jurisdiction the first instance courts in their capacity as an appeal court to reduce the great pressure the Appeal courts undergo.

In spite of these amendments the volume of work at the Appeal Court is still high due to several reasons of which are the lack of the human and the administrative resources and the weakness in the competencies and capabilities.

One of the most important legislative texts and the legal proceedings that affect the performing of the Appeal Court are as follows:



### 1) Article 182 of the Civil Procedure Law

Article (182) of the Civil Procedure Law articulates that the cases that are returned to the court revoked by the Court of Cassation should be heard in pleading form. Whilst some of the judges confirmed that this text would delay and prolong the life time of the case in terms of re-notification of the concerned parties especially since there is no new measures to be taken in this case. What happens on the ground is that this is considered as a routine procedure in terms of the presence of lawyers and a repetition of their sayings. The appeal court doesn't uphold the right, and that is according to the established jurisprudence, to add new reasons to the previous ruling, and if the court insists on its previous decision then it has to provide its judgment in its previous form. Therefore the hearing of the case for the second time will only prolong the life time of the case.

#### ➤ Recommendations

- 1- Reconsider Article (182) of the civil procedures law hence limiting the courts hearings in pleading form to the case where the need occurs to hear evidences or complete a lack.

### 2) Notifications

The notifications are considered one of the most problems that affect the performance of the court and the judges and staff view the necessity to work on setting an address database that will facilitate the notification procedures to be performed in collaboration with Amman Municipality.

From a legal perspective, the judges explained the existence of a problem in the notification by sticking for what this might generate of legal consequences that might lead to the revoke of the court judgments or appeal invalid notifications, which requires the reconsideration of the Article (9) text of the civil procedures law.

#### ➤ Recommendations

- 1- Reconsider Article (9) of the civil procedures law to limit the notification by sticking only to specific cases or otherwise annul the article.
- 2- Develop an address database in cooperation with Amman Municipality.

### 3) Enforcement/ Execution Law

Article (20) of the enforcement law, that permits the appeal of decisions issued by the head of the enforcement department at the appeal courts, comes in a broad and general form which makes all the enforcement decision exposed to an appeal regardless of the appeal number of times made to the decision though the second time of appeal do not stop the enforcement.

Some of the judges see that the problem has been resolved through a delegation of an Appeal judge to the enforcement departments to look into the appeals at the department without the need to transfer the file to the appeal court which helps to reduce the life time of the enforcement case. While in real practice, and even though the file is not transferred to the appeal court still it is considered a case registered at the court as an appeal and is counted as part of the court load which in turn affects the size case load at the appeal court.

From another side, some judges view that law as not exhaustive for not considering the decisions made by the appeal court in the enforcement cases as definitive, and deem necessary to make the appeal on two levels and not only on one level, and to grant the first instance courts the competence

to view and process the appeals in the enforcement cases. At the same time give the right to appeal the first instance courts decisions provided by the court as a second degree level before the appeal court according to a special appeal permission to be submitted to the head of the appeal court.

➤ **Recommendations**

- 1- Conduct a review of the provisions of Article (20) of the enforcement law and introduce modifications to it in terms of defining decisions subject to appeal and confining those of sensitivity.
- 2- Conduct a detailed research on the feasibility of appeal of the enforcement decisions in two phases and its impact on the workload of the courts, and to propose appropriate legal mechanism to appeal in two phases.

**4) The Quintet (five judges) Appeal Panel**

According to the internal procedures of the Appeal Court not provided for under the law, the head of the court, and according to a request submitted to him demanding to reconsider of a point that has previously been decided by the Appeal Court, has the right to, if he finds that the point raised is of a certain importance, to compose a five judges panel to look into this point. Some judges view that when the formation of a quintet panel of five members and headed by the head of the court under a resolution, the quintet panel discovers that it has the same powers as of a tripartite formed panel as set by the jurisprudence. In this case the quintet panel doesn't possess the power to annul a decision provided by a tripartite judge panel as the decision is considered having a determinate legal effect. In addition, the quintet panel find most often inconsistencies among the decisions rendered by the appeal panels and doesn't possess the power to issue a decision that unify the inconsistent jurisprudence but only in one case and that is when the case was not previously observed by a tripartite panel.

➤ **Recommendations**

1. Carry out a detailed research about the powers of the quintet panel and the effectiveness of its expansion to ensure the unification of the decisions provided by the appeal panels.

**2. The legislative framework to establish a Technical Office at Amman Court of Appeal**

The Judges believe that the law of the formation of the regular courts had provided for the establishment of a technical office for the Court of Cassation in specific and not in general term, which may hinder the expansion of the idea to be applied to the Appeal Court, and therefore requires an amendment to the law.

Whilst other judges of the Technical Office at the Court of Cassation and appeal judges think that it is possible to go forward in establishing the technical office at the Appeal court from an administrative perspective until a legislative modification is performed and that is through either of the following procedures:

1. The Judicial Council take the decision to assign judges to perform the tasks at the technical office under the cover of the technical office at the Court of Cassation and to carry out their roles and tasks as set forth in the Technical Office bylaw at the Court of Cassation, or
2. Administratively establish the technical office as part of the appeal court work administration and according to administrative instructions to be issued by the Head of the court especially since the rulings are signed by the judges. A judge therefore should be assigned to follow up on the office affairs. Some of the judges noted the successful similar experience performed at

the Judicial Institute where the institute and based on an administrative action commissioned students at the institute to assist judges and practice their skills in studying the case files, drafting judgments and writing projects, where it had proved successful in providing assistance to the judges especially since the final decision remains for the judge.

**Matrix: The legislative framework – current status, challenges and recommendations**

Current Status	Challenges	Recommendations to fill the gap
1. Article (182) articulates that cases returned revoked by the Court of Cassation to be heard in pleading form by the court	This provision may delay and prolong the life time of the case in terms of re-notification of the concerned parties especially since there are no new measures to be taken in this case. What happens on the ground is that this is considered as a routine procedure in terms of the presence of lawyers and a repetition of their sayings. The appeal court doesn't uphold the right, and that is according to the established jurisprudence, to add new reasons to the previous ruling, and if the court insists on its previous decision then it has to provide its judgment in its previous form. Therefore the hearing of the case for the second time will only prolong the life time of the case.	1. Reconsider Article (182) of the civil procedures law hence limiting the courts hearings in pleading form to the case where the need occurs to hear evidences or complete a lack. 2. in general it is recommended to perform a comprehensive legislative review of all legislation related to the appeal court's work in a method that could lessen the burden of the workload of the court. This could be performed through an intensive study with the judges and the different court staff for the purpose to identify the legislative gaps that could affect the size of court at the courts in general and the work size at the appeal court in specific.
2. Article (9) of the civil procedures law in relation to the notification by sticking causing consequently legal results that might affect the size of work in court.	The legal consequences generated by the application of the Article (9) can lead to the revoke of the court judgments or challenging the validity of the notifications	5) Reconsider Article (9) of the civil procedures law to limit the notification by sticking only to specific cases or otherwise annul the article. 6) Develop an address database in cooperation with Amman Municipality.
3. Article (20) of the enforcement law, that permits the appeal of decisions issued by the head of the enforcement department at the appeal courts, comes in a broad	Article (20) of the enforcement law will increase the workload on the appeal courts when not defining the enforcing decisions that might be subject to an appeal. Despite what is implemented on the ground where an appeal judge is delegated	1. Conduct a review of the provisions of Article (20) of the enforcement law and introduce modifications to it in terms of defining decisions subject to appeal and confining those of sensitivity.

Current Status	Challenges	Recommendations to fill the gap
and general form which makes all the enforcement decision exposed to an appeal regardless of the appeal number of times made to the decision though the second time of appeal do not stop the enforcement.	for the enforcement departments still the enforcement cases that are appealed will be recorded and calculated as part of the appeal court workload. On the other hand, the decisions issued by an appeal court are definitive.	2. Conduct a detailed research on the feasibility of appeal of the enforcement decisions in two phases and its impact on the workload of the courts, and to propose appropriate legal mechanism to appeal in two phases.
4. The quintet panel of the appeal court powers are the same as that of tripartite panel powers where the later decisions are considered of a determinate legal effect	The limitation of the powers of the quintet panel formed by a decision that to restrain the ability of the panel capacity to revoke the decisions issued by the tripartite panel enjoying a determinate legal effect. In addition this panel doesn't have the powers to unify the contradicted jurisprudence provided by the tripartite panel, but only in one case when the case has not been previously brought before a tripartite panel.	Carry out a detailed research about the powers of the quintet panel and the effectiveness of its expansion to ensure the unification of the decisions provided by the appeal panels. Knowing that the expansion of the quintet panel powers will definitely support the purpose of having established a technical office to unify the decisions rendered by the appeal panels.
5. The law of the formation of the regular courts had provided for the establishment of a technical office for the Court of Cassation in specific and not in general terms.	The limited provision of the regular courts formation law on establishing the technical office at the Court of Cassation, in specific rather than general term, will hinder the possibility to replicate the idea and its application at the appeal court.	2, perform a detailed research in cooperation with the judges to explore the possibility adopt any of the two below suggested administrative actions as a temporary step to initiate the technical office until a legislative modification: 1. Judicial Council take the decision to assign judges to perform the tasks of the technical office under the cover of the technical office at the Court of Cassation and to carry out the roles and tasks set forth in the Technical Office bylaw at the Court of Cassation; 2. Administratively establish the technical office as part of the appeal court work administration and according to administrative instructions to be

Current Status	Challenges	Recommendations to fill the gap
		issued by the Head of the court and assign a judge to follow up on the office affairs.

### General Summary of the Legislative Framework

in general, with regard to the legislative framework, and under the implementation of the strategic plans of the judicial authority in the context of a legislative amendments in relation to the conduct of work in all the regular courts in the Kingdom in order to speed up the proceedings, for this a profound discussion panel should be formed comprising the judges of different level courts; court staff including managers of section and clerk offices; the Ministry of Justice, and lawyers to identify obstacles in the application of these laws in addition to the procedural obstacles, and come up with recommendations on amendments on these laws to be considered in the draft laws, especially the Civil Procedures draft law; the Criminal Procedures draft law; and the enforcement Law in order to reduce the workload of the courts in general and Amman Court of Appeal in particular.

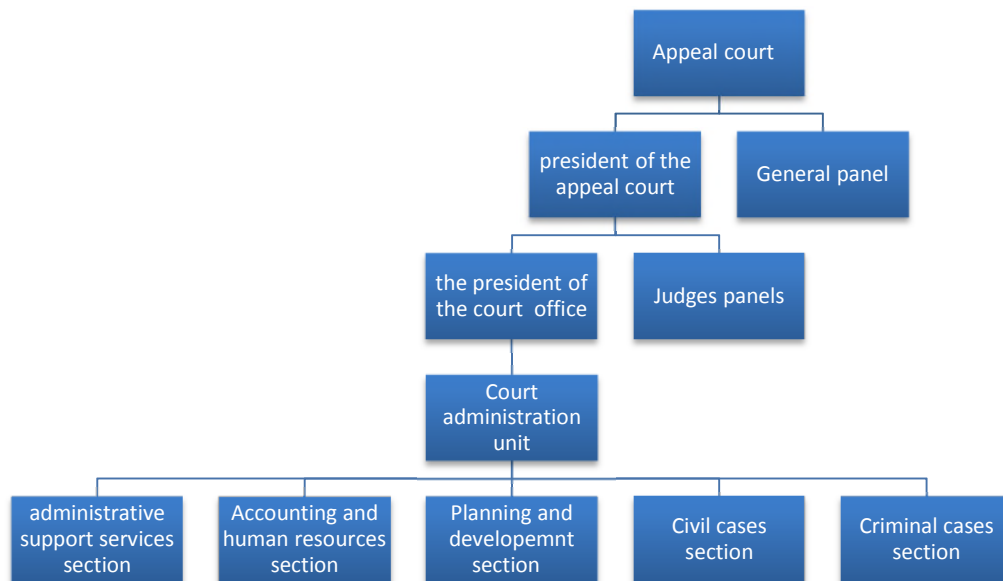
## B. The Institutional Framework

The institutional framework consists of two components:

- 1. The Organizational Structure**, this component highlights the structure in the court and the job titles as determined by the Ministry of Justice and the reference in comparison to the facts on the ground.
- 2. The Human Resources**, this component highlights all the regulations and procedures, in relation to the court staff, their job title, their numbers, their academic qualifications, the basis of their appointment and evaluation and the encouraging incentives, in addition to the training programs they undergo.
- 3. The needs to establish a technical office for Amman Court of Appeal**, this component highlights the needs of the technical office of staff and their titles, their job descriptions, and qualifications.

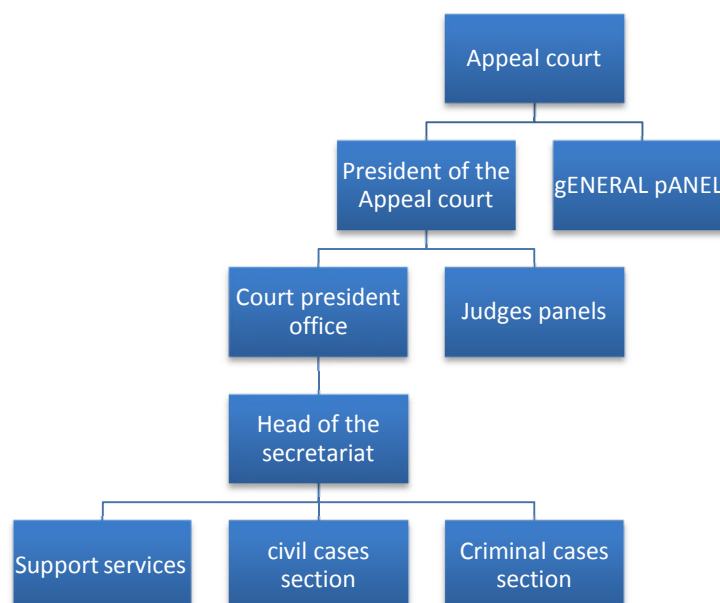
### 1. The Organizational Structure

The following diagram shows the officially approved structure of Amman Court of Appeal according to the information provided by the Ministry of Justice:



Despite the existence of a specific organizational structure of Amman Court of Appeal through the Ministry of Justice according to the above mentioned diagram. But the factual organizational structure does not march with the organizational structure officially approved by the Ministry of Justice which is manifested in the head of the court and judges' panels assisting in the judicial procedures and from an administrative perspective the head of the court is assisted by his office manager. Follows to the head of the court office, from administrative perspective, the head of the court secretariat (al Diwan) to who follows the heads of the civil and criminal clerk offices in addition to the support services such as the printers' offices, the notifiers and messengers.

With respect to the other sections, they are nominally present in the structure that is officially approved but not actually in place, where the human resources department exists as a name but without the real functional staff<sup>11</sup>.



<sup>11</sup> According to the information provided by the head of the Court of staff (Aldiwan)

Diagram (2) represents the factual structure of Amman Court of Appeal

In addition, the Ministry of Justice has identified labels and job descriptions in detail, and the relationship among these Job Titles, but comparing these Titles and descriptions with what is on the ground there is a difference between adding to overlap the relations among them, some of the staff are appointed with a job title officially approved within the Ministry of Justice structure but hold a different job title at the court. In some cases the employee may hold more than one title at Amman Court of Appeal. Therefore, a job title as per the officially approved structure at the Ministry of Justice versus the actual job title given and another given after including the employee into the civil service scale. Figure (1) shows a list of the appeal court staff and the changing job titles for each of them<sup>12</sup>.

**Table (1): a list of the appeal court staff and the changing job titles**

Serial number	The structure as per the Ministry of Justice	Applications on the ground		
	The structure job	Current job	Job on the scale	Actual job
1.	Legal/ workers in the legal affairs	Officer	Head of the civil cases section	Head of the civil cases section
2.	Legal/ workers in the legal affairs	Head of section	Civil appeal legal researcher	-
3.	Legal/ workers in the legal affairs	Head of division		Legal researcher
4.	Legal/ workers in the legal affairs	Notary public		Head of the experts section (internal delegation)
5.	Legal/ workers in the legal affairs	Notary public		Head of the researchers section (internal delegation)
6.	Legal/ workers in the legal affairs	Officer	Criminal appeal legal researcher	-
7.	Legal/ workers in the legal affairs	Officer	Criminal appeal legal researcher	-
8.	Legal/ workers in the legal affairs	Officer	Clerk /first instance criminal , assistant	-
9.	Legal/ workers in the legal affairs	Specialist	-	Follow up clerk
10.	Legal/ workers in the legal affairs	Second administrative	-	Clerk / Civil conciliation
11.	Legal/ workers in the legal affairs	Researcher	Civil Appeal assistant legal researcher	-
12.	Legal assistant/ workers in the legal affairs	Assistant officer	Officer /Appeal clerk enforcement cases assistant	Follow up clerk
13.	Legal assistant/ workers in the legal affairs	Second administrator	legal researcher civil appeal	Follow up clerk
14.	Legal assistant/ workers in the legal affairs	Programmer	Civil appeal assistant legal researcher	-
15.	Legal assistant/ workers in the legal affairs	Third administrative	-	Clerk/ criminal
16.	Legal assistant/ workers in the legal affairs	Assistant specialist	Criminal appeal legal researcher	Director of the head of court office

<sup>12</sup> According to the information provided by the Appeal Court of Amman on March 2013



Serial number	The structure as per the Ministry of Justice	Applications on the ground		
	The structure job	Current job	Job on the scale	Actual job
			/assistant	
17.	Legal assistant/ workers in the legal affairs	Officer	Criminal appeal legal researcher /assistant	-
18.	Legal assistant/ workers in the legal affairs	Programmer	Criminal appeal legal researcher /assistant	Clerk/ civil
19.	Legal assistant/ workers in the legal affairs	Specialist	Civil appeal legal researcher	-
20.	Legal assistant/ workers in the legal affairs	Assistant officer	Civil appeal assistant legal researcher	-
21.	Legal assistant/ workers in the legal affairs	Research assistant	Criminal appeal legal researcher /assistant	Follow up clerk
22.	Legal assistant/ workers in the legal affairs	Officer	-	Legal researcher
23.	Legal assistant/ workers in the legal affairs	Assisting officer	-	Follow up clerk
24.	Legal assistant/ workers in the legal affairs	Assisting specialist	-	Clerk/criminal
25.	Legal assistant/ workers in the legal affairs	Research assistant	-	Clerk/criminal
26.	Legal assistant/ workers in the legal affairs	Assisting specialist	-	Clerk/criminal
27.	Legal assistant/ workers in the legal affairs	Assisting specialist	-	Legal researcher
28.	Legal assistant/ workers in the legal affairs	Research assistant	-	Clerk/cassation
29.	First court clerk	Head of section	Acting head of staff	Head of staff (al Diwan)
30.	Second court clerk	Second clerk	Clerk of first instance misdemeanors second	-
31.	Second court clerk	Second clerk	Clerk of conciliation civil second	-
32.	Second court clerk	Second clerk	Clerk of conciliation criminal second	-
33.	Second court clerk	Second clerk	Clerk of conciliation criminal second	Follow up clerk
34.	Third court clerk	Third clerk	Clerk of conciliation criminal second	-
35.	Third court clerk	Third officer	Data entry person/panel printer	Clerk /cassation
36.	Third court clerk	Third clerk	Clerk of first instance civil second	-
37.	Third court clerk	Third officer	Clerk of conciliation criminal second	Follow up clerk
38.	Third court clerk	Third clerk	Clerk of first instance	-



Serial number	The structure as per the Ministry of Justice	Applications on the ground		
	The structure job	Current job	Job on the scale	Actual job
			misdemeanors second	
39.	Second librarian	Second clerk	Office secretary second	Librarian
40.	Second administrative	Officer	Human resources specialist assistant	Clerk/fees
41.	Third administrative	Assistant specialist	Officer / clerk of conciliation civil assistant	Follow up clerk
42.	Third administrative	Assistant specialist	-	Clerk/ criminal
43.	Third administrative	Third administrative	-	Follow up clerk
44.	Third administrative	Assistant specialist	-	Follow up clerk
45.	Third administrative	Assistant officer	-	Clerk/cassation
46.	Second data entry person	Second data entry person	Data entry/panel typist	Follow up clerk
47.	Second data entry person	Second clerk	Data entry/panel typist	-
48.	Second data entry person	Second clerk	Data entry / decisions typist	-
49.	Second data entry person	Second clerk	Data entry / decisions typist	-
50.	Second data entry person	Programmer / assisting programmer	Data entry / decisions typist	-
51.	Second data entry person	Second clerk	Data entry / decisions typist	-
52.	Third data entry person	Third clerk	Data entry/panel typist	-
53.	Third data entry person	Third clerk	Data entry/panel typist	-
54.	Third data entry person	Third clerk	Data entry/panel typist	-
55.	Third data entry person	Third clerk	Data entry/panel typist	-
56.	Third data entry person	Third clerk	Data entry / decisions typist	-
57.	Third data entry person	Third officer	Data entry/panel typist	Follow up clerk
58.	Third data entry person	Third data entry person	-	Follow up clerk
59.	Third data entry person	Third clerk	-	In out clerk
60.	Panel stenographer/ typist	stenographer / typist	Panel typist/ stenographer	-
61.	Panel stenographer/ typist	stenographer / typist	Panel typist/ stenographer	-
62.	Panel stenographer/ typist	stenographer / typist	Panel typist/ stenographer	Panel stenographer/ typer + follow up clerk

Serial number	The structure as per the Ministry of Justice	Applications on the ground		
	The structure job	Current job	Job on the scale	Actual job
63.	Panel stenographer/ typist	stenographer / typist	Panel typist/ stenographer	-
64.	Panel stenographer/ typist	stenographer / typist	Secretary of the court head	-
65.	Panel stenographer/ typist	stenographer / typist	Panel typist/ stenographer	-
66.	Panel stenographer/ typist	stenographer / typist	Secretary / typist	-
67.	Panel stenographer/ typist	stenographer / typist	Decisions typist	Decisions printer + follow up clerk
68.	Panel stenographer/ typist	stenographer / typist	Decisions typist	-
69.	Panel stenographer/ typist	stenographer / typist	-	-
70.	Panel stenographer/ typist	stenographer / typist	Secretariat typist	-
71.	Panel stenographer/ typist	Correspondent	Decisions typist	-
72.	Panel stenographer/ typist	stenographer / typist	Decisions typist	-
73.	Panel stenographer/ typist	stenographer / typist	Decisions typist	-
74.	Panel stenographer/ typist	stenographer / typist	Information desk officer (public service)	Data entry /criminal
75.	Panel stenographer/ typist	stenographer / typist	Panel printer	-
76.	Panel stenographer/ typist	stenographer / typist	Panel printer	-
77.	Panel stenographer/ typist	Section officer	Data entry/ decisions typist	Clerk/criminal
78.	Panel stenographer/ typist	stenographer / typist	Panel printer	-
79.	Panel stenographer/ typist	stenographer / typist	-	-
80.	Panel stenographer/ typist	stenographer / typist	-	-
81.	Panel stenographer/ typist	stenographer / typist	-	-
82.	Panel stenographer/ typist	stenographer / typist	-	-
83.	Panel stenographer/ typist	stenographer / typist	-	-
84.	Panel stenographer/ typist	Stockist	Clerk criminal conciliation / diverse group -	-
85.	Assisting quality control officer	Assisting officer	-	Quality control specialist + clerk + human resources
86.	Assisting quality control officer	Assisting officer	-	Quality control specialist + follow up clerk
87.	Secretary-third (custody, treasurer, supplies, warehouse)	Third officer	Third treasurer	Clerk / fees

Serial number	The structure as per the Ministry of Justice	Applications on the ground		
	The structure job	Current job	Job on the scale	Actual job
88.	Notifier	Notifier	Notifier	-
89.	Notifier	Notifier	-	-
90.	Notifier	Notifier	-	-
91.	Information desk officer	Typist	Information desk officer (public services)	-
92.	Section officer	Correspondent	-	-
93.	Correspondent	Research assistant	Correspondent	Clerk / fees
94.	Correspondent	Correspondent	Correspondent	-
95.	Correspondent	Correspondent	Correspondent	-
96.	Correspondent	Correspondent	Correspondent	-
97.	Correspondent	Correspondent	Correspondent	Clerk
98.	Correspondent	Correspondent	Correspondent	-
99.	Correspondent	Correspondent	Correspondent	-
100.	Correspondent	Correspondent	-	clerk
101.	Correspondent	Correspondent	Correspondent	-
102.	Correspondent	Correspondent	-	-
103.	Correspondent	Correspondent	Correspondent	-
104.	Correspondent	Correspondent	-	-
105.	Correspondent	Correspondent	Correspondent	-
106.	Correspondent	Correspondent	Correspondent	-
107.	Correspondent	Correspondent	Correspondent	-
108.	Correspondent	Correspondent	Correspondent	Warehouse officer
109.	Correspondent	Correspondent	Correspondent	-
110.	Correspondent	Correspondent	Correspondent	-
111.	Correspondent	Correspondent	Correspondent	-
112.	Correspondent	Correspondent	Correspondent	-
113.	Correspondent	Correspondent	-	-
114.	Correspondent	Correspondent	-	-

Serial number	The structure as per the Ministry of Justice	Applications on the ground		
	The structure job	Current job	Job on the scale	Actual job
115.	Correspondent	Correspondent	-	-
116.	Driver (Taxi)	Stockist	Supplies warehouse keeper/ diverse group	Correspondent
117.	Driver (Taxi)	Correspondent	-	-
118.	Driver (Taxi)	Driver (taxi)	-	-
119.	Stockist	Stockist	Correspondent	Incoming and outgoing clerk
120.	Stockist	Stockist	Warehouse supplies officer/diverse group	Correspondent
121.	Stockist	Stockist	Warehouse files keeper	-
122.	Stockist	Correspondent	Files warehouse keeper/diverse group	-
123.	Stockist	Correspondent	-	-

From another side it is clear of this table that three of the court staff are appointed under the job title legal /legal affairs workers following the officially approved by the Ministry of justice, while their current job title is officer and the job title after being added to the structure will be legal researcher of criminal appeal and clerk /the criminal first instance assistant.

The table also shows that one employee of the court staff is appointed under the job title “legal / legal affairs workers” whilst his current job title is a specialist and his actual job title is follow up clerk. Another employee of the court staff is appointed under the job title “Correspondent” according to the structure officially adopted by the Ministry of Justice, whilst his current job title is research assistant specialist, and his job title when added to the structure will be correspondent and the actual job title is clerk/fees.

There are no clear basis in this multiplicity of the job titles for the court staff and the changing standard in the job descriptions, but it is attributed in the first place to the shortage of human resources at the court and the lack of academic qualifications and capabilities required, which obliges an amendment to cover the deficit in some the sections that suffer from work pressure.

It is worth mentioning that Amman Court of Appeal does not have clear job descriptions for the current the actual job titles, although the absence of job descriptions that fit with what is on the ground leads to an overlap in the work references and lack of clear responsibilities and powers . It also leads that employees perform tasks that do not fall under their job descriptions, and may not meet their administrative and academic qualifications. Besides that some of the staff carry out the tasks of more than one job title.

In review of the guiding questionnaire which was distributed during the study, it was revealed that that the legal researchers who in addition to writing the introduction for the judgments, proof readings, legal reviews and legal research, they help the follow up clerks in receiving and registering of disposed cases at the outbox and the drafting of the official letters and inquires about the cases.

It has also been revealed that the follow up clerks perform all the tasks assigned to the cassation clerk officers that include entry, inquiries, inventory and equipment. Whereas some of the printers print for the judicial panels, and print judgments and perform cases data entry register cases in addition to the tasks of the follow up clerks.

During the field meetings none of the staff was able to identify his job description in a clear and specific form, and the job descriptions varied from one employee to another an example is the legal researcher and the follow up clerk jobs

### ➤ Recommendations

- Reconsider the structure of Amman Court of Appeal and set an officially approved structure that reflects the facts on the ground in the court, and that clarifies the relations between the sections and clerk offices as well as the mechanism of contact and communication among these divisions while covering all the required functional tasks.

### Matrix: The Institutional Framework (The Organizational Structure) – current status, challenges and recommendations.

Current status	Challenges	Recommendations to bridge the gap
The structure officially approved by the Ministry of Justice is different than the actual structure of Appeal Court of Amman where some the sections identified in the in the approved structure they only exist on paper and not in reality	1. The difference between the organizational structure and the job descriptions at Amman Court of Appeal causing the staff to perform tasks that don't fall under their job titles and that are outside their competencies. This leads to unclear and overlapped references.	1. Reconsider the structure in Amman Court of Appeal and put an official approved structure that reflects the reality on the ground at the court and explains the relations between the sections and the clerk offices as well as the contact and communication amongst them and that covers all the occupational tasks required.

## 2. The Human Resources

### 2.1. Academic qualifications and competencies

Amman Court of Appeal lacks the standards and the frameworks on which it is based when appointing of staff in the first instance and then considers the qualifications, experience and skills essentially important to perform the job. But that the decrease in the number of staff employed by the Appeal Court force the court to assign some of the staff to perform the tasks for one than one job title as mentioned previously, regardless of his or her qualifications and specialties and experience (see Table 1 above).

In addition, the majority of employees in the court lack the experience do not carry the academic qualification and the specialization required for the functions they carry out. The staff at Amman Court of Appeal that either do not have a high school general certificate or what is known by "Tawjihi" or have only a "Tawjihi" certificate from all the different specialties constitute the vast majority of personnel employed by the Court which is approximately 18.699% and 33.33%, respectively, for a total of approximately 52% of the total staff. While the proportion of staff holding only a diploma degree constitutes approximately 18.699% of the total staff, and those holding of bachelor's degree constitutes approximately 25.203% of the total staff, while those of staff holding of

a master's degree or PHD constitutes 2.439% and 1.626% of the total staff respectively, staff (see Figure 3 below)<sup>13</sup>.

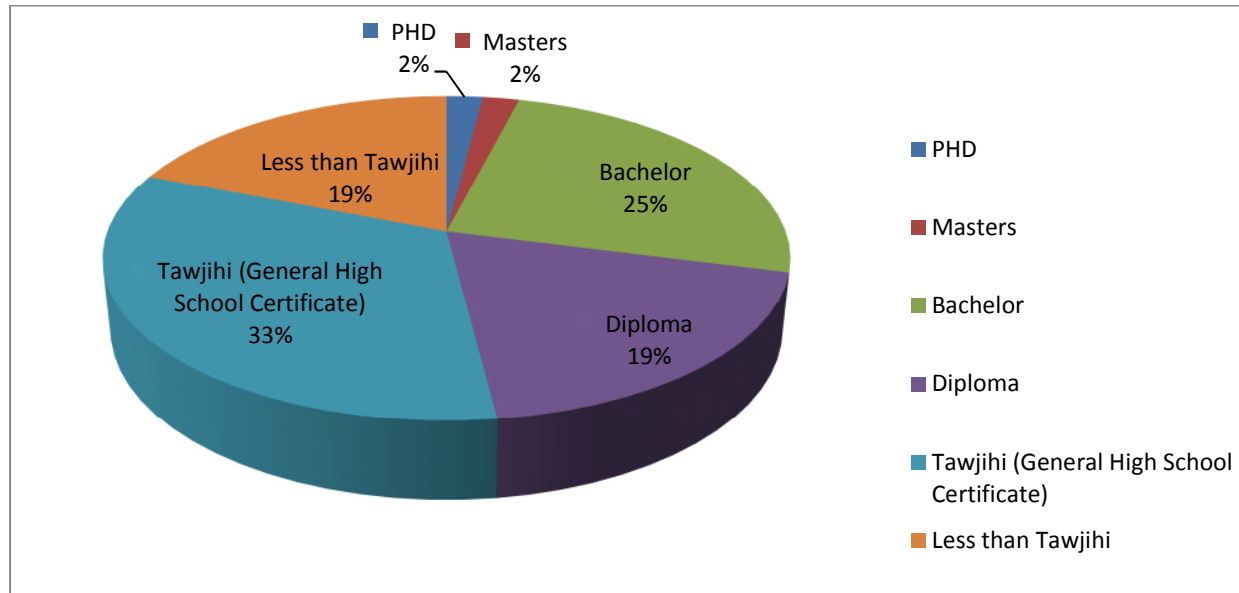


Figure 3 shows the distribution of the employees according to their academic qualification inside Amman Court of Appeal

The staff holders of a legal specialization constitute a rate of approximate 23.577% of the total staff distributed actually in jobs related to the legal research, the clerks, the follow-up and the administration of the sections. Whereas, the percentage of employees without specialty is approximately 14.635% distributed actually in jobs related to printing, warehouses and correspondents. The other ratios is distributed actually among other specialty in public administration, office management, administrative information systems, accounting, libraries, secretarial sciences and other disciplines in the secondary general certificate “Tawjihi” representing the majority of the court staff of an approximate percentage of 61.788% (see Table 2 below)<sup>14</sup>.

Table number (2) distribution of employees inside Amman Court of Appeal according to specialization

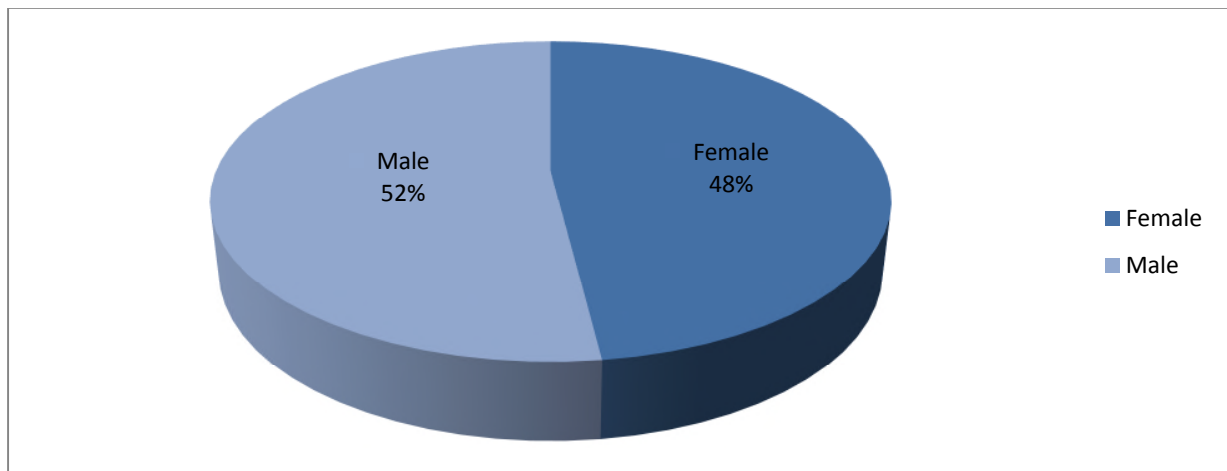
Specialization	Number	Approximate percentage
Law	29	23.577%
Business administration	3	2.439%
Management	3	2.439%
Arabic literature	2	1.626%
English literature	1	0.813%
Administrative information systems	5	4.065%
Programming and systems analysis	1	0.813%
Office and information management	1	0.813%
Libraries and information management	1	0.813%
Education	1	0.813%
Library science	2	1.626%
Marketing	3	2.439%

<sup>13</sup> According to the information available by the Appeal Court of Amman on March 2013

<sup>14</sup> According to the information available by the Appeal Court of Amman on March 2013

Accounting	2	1.626%
Secretariat	5	4.065%
“Tawjihi “high school diploma literature branch	25	20.325%
“Tawjihi “high school diploma scientific branch	12	9.756%
“Tawjihi “high school diploma commercial branch	5	4.065%
“Tawjihi “high school diploma industrial branch	1	0.813%
“Tawjihi “high school diploma agriculture branch	1	0.813%
“Tawjihi “high school diploma information technology branch	2	1.626%
Without	18	14.635%
<b>Total</b>	<b>123</b>	<b>100%</b>

The women employees working in Amman Court of Appeal represents a percentage of 48.68% of the total staff working in the court. Most of the women employees occupy the jobs that related to printing and data entry and some of them works at the clerks and follow up sections as well as the legal research. Some women lead some of the sections. (See figure 4 below)<sup>15</sup>.



The figure number (4) shows the distribution of employees inside Amman Court of Appeal according to Gender

## 2.2. Staff Workload

In addition to the shortage of judges in the court, it has been shown through the field visits and the meetings with the court staff that Amman Court of Appeal suffers from a shortage in the technical, administrative and support staff in support of the Court's functions, which is one of the main reasons in the increasing pressure at work in some sections and departments because of the inconsistency of the number of employees with the work load in these divisions, and those sections are:

- The criminal appeal registry office suffers of a shortage of staff, whereas the employees in this section receive the registry application of the criminal appeals and then distribute on judges and then follow-up with the judges in cases heard by pleading (although very few in number) and print and revise judgments, performing by this the tasks of a civil case follow up section.

<sup>15</sup> According to the information available by the Appeal Court of Amman on March 2013

- Follow-up section suffers from a shortage of staff where some of the employees perform printing work and follow-up at the same time or research and printing.
- The research section suffers from the pressure of work noting that there are 12 legal researches in this section, where they revise only the civil cases and non of the criminal cases due to the size of work in the civil cases. The one legal researcher shall undertake follow-up works in addition to the legal research.
- Amman Court of Appeal suffers of a shortage in the number of staff in the supporting jobs , especially correspondent and notifiers , where the number of correspondent on the ground , despite what is stated in Table 1 above, is 8 notifiers distributed on all clerk offices , departments and courtrooms , which in turn affects the proper performance of the Court.

From the perspective of some judges the prolonged the life time of a case and the size of the workload is also attributed to the lack of a serious follow-up the staff in the clerk offices as is the case in the notifications. The role of a clerk or a clerk office is to issue the notification and send it to the notifiers registry office, where the delays leads to a continuous postponement of the case and extend the lifetime of the lawsuit, especially with the weak follow-up of the notifiers registry to ensure that the notification and receipt of the notice has been accomplished. This applies to the case with the experts, where the clerk or the follow-up section don't follow up to obtain the expert address and contact him and notify him of the trial session appointment and confirm his presence on the morning of the trial date to avoid the postponement of the session.

In fact, Amman Court of Appeal lacks its own standards for measuring the performance of the staff of which you can accordingly determine the size of the actual workload for the staff, and thus decide on the acceptable workload for each employee that should not be trespassed.

➤ **Recommendations**

- Perform a profound study about the size of work at Amman Court of Appeal and the current available human resources to determine on the actual court's need of employees in terms of number, qualifications and specialties.
- Set special standards of Amman Court of Appeal if possible or encloses all the judicial divisions annexed to the judiciary in order to measure the employees performance and by through may be possible to identify the actual workload for the employees and the accepted workload for each employee that should not be trespassed.

### 2.3. Incentives

Except for the allowances and promotions as per the civil servants bylaw, Amman Court of Appeal lacks the presence of a methodology for the employees' incentives that is determined upon their qualifications and the evaluation of their performance and the workload they make.

The judges affirmed the necessity to have these incentives to insure the encouragement of the employees to perform their tasks in a precise and an effective way, especially when the matter is related to the application of new initiatives with the purpose to accelerate the litigation procedures and to reduce the work load the court has.

➤ **Recommendations**

- Provide an incentives program for Amman Court of Appeal employees if possible in accordance with a performance evaluation and the academic qualification.



## 2.4. Training Needs

Showing through the guiding questionnaire that has been distributed throughout the study, Amman Court of Appeal employees lacks the necessary training programs that serve their scope of work inside Amman Court of Appeal, but rather the courts employee have not attended any training in relation to their work for the last three years. Most of the training courses that these court employees attended have no direct relation to their work or their work needs.

From another side, there is no clear training plan for Amman Court of Appeal that is based on the real training needs of the employees in terms of training and the required skills for the jobs they occupy.

In evaluation of Amman Court of Appeal employees training needs through the guiding questionnaire, the majority of the employees emphasized the need to hold training courses in the following:

- 1- Legal research, beside other trainings specialized in the optimal use of the legal references and the development of the appropriate skills to deal with the issues facing the legal researchers.
- 2- Computer applications and more specifically the applications of the software “Mizan”
- 3- Develop the work procedures and the development of the occupational and administrative skills.
- 4- Special English courses.

### ➤ Recommendations

- Assign a special training plan that is appropriate to the employees working needs, and implement training programs to develop the employees’ capacities working in the sections and registry offices of Amman Court of Appeal in the several legal, technical and administrative scopes to improve their performance and enable them to achieve the tasks assigned to them efficiently.

### Matrix: The Institutional Framework (Human Resources) – current status, challenges and recommendations

Current Status	Challenges	Recommendations to bridge the gap
1. The lack of compatibility of the number of staff and their qualifications in some divisions and registry offices with the job they occupy. In addition to the shortage in the human resources at the court which leads to an increase of load over the employees. The number of employees at Amman Court of Appeal as of March 2013 (123)	1. The employees perform duties that are not suitable to their capacities, their academic qualifications and their specialties. 2. The employees’ performance of tasks under more than one job title. 3. Increase the workload on the one employee.	1. Perform a profound study about the size of work at Amman Court of Appeal and the current available human resources to determine on the actual court’s need of employees in terms of number, qualifications and specialties. Taking into account the specialties needed by the technical office in case decided to be created for Amman Court of Appeal, among these are the linguistics specialists to proof read the judgments issued by the court <sup>16</sup>

<sup>16</sup> The participants in this study recommends the necessity to recruit printers and data entry persons and correspondents, nevertheless the recruitment process should, in the first place, depend on the revision of the organizational structure, job titles and the job descriptions of the court staff and in accordance with the actual

Current Status	Challenges	Recommendations to bridge the gap
employee distributed on the various sections and registry offices at the court.		2. Set special standards of Amman Court of Appeal if possible or encloses all the judicial divisions annexed to the judiciary in order to measure the employees performance and by through may be possible to identify the actual workload for the employees and the accepted workload for each employee that should not be trespassed.
2. The employees at Amman Court of Appeal are governed by the civil servant system in respect of their appointments, qualifications and promotion. The court lacks the methodology for incentives for the employees.	1. The absence of an incentive methodology affects the employees' achievements as well as any initiative to be applied at the court including the technical office due the employees overload and the lack of incentives that guarantee the success of the initiative.	1. Provide an incentives program for Amman Court of Appeal employees if possible in accordance with a performance evaluation and the academic qualification. 2. Provide an incentives program for the technical office employees who will work in the office if decided to establish the office to insure the success of the initiative
3. Employees are not subject to specialized training courses related to their job needs .And there are no plans for staff training suitable to their actual job needs.	1. The lack of continuous training affects the quality of the work especially with the continuous development in the judicial work and the continuous legislative amendments.	1. Assign a special training plan that is appropriate to the employees working needs, 2. Implement training programs to develop the employees' capacities working in the sections and registry offices of Amman Court of Appeal in the several legal, technical and administrative scopes to improve their performance and enable them to achieve the tasks assigned to them efficiently. the training programs should include the following subjects: - The legal software that assist to the legal research and judgments. - The legislation regulating Amman Court of Appeal. - The skills to use the software Mizan and its specification. - the different administrative skills (time management, communication,

status and the court's needs according to the developments happened or in process and therefore recruit according to these needs and according to clear identified criteria.

Current Status	Challenges	Recommendations to bridge the gap
		and public service) 3.in relation to the technical office, train the judges those who are delegated to work in the technical office in case decided to be established. Train all the staff on the technical office, the Mizan software and other legal software and the research and review skills.

### 3. The need to establish a Technical Office at Amman Court of Appeal

In reference to the current status of the employees at Amman Court of Appeal it reveals the small number of staff in addition to the small number of those who carries a law degree at this court, most of them are distributed on the court sections and its clerk offices. The court also lacks for linguistics specialists necessary to review the decisions issued by the court. In the meantime the nature of the tasks performed by the technical office requires the availability of staff of a long experience in courts work in addition to the academic qualifications in law and linguistics to review the decisions from the legal and the language side.

The judges emphasized, through the meetings with them and through the guiding questions questionnaire distributed on them during the study, the need to train the judges and staff to be working for the technical office on the nature of work in the office, in addition to training them on the software and systems that will be applied and on the mechanism of the legal research including search on the internet.

Adding to that what the judges have emphasized on the need to create incentives for the employees to be working for the technical office to guarantee the success of the experience.

### General summary of the institutional framework

In general, with regard to the institutional framework of the Appeal Court of Amman, it is necessary to reconsider the organizational structure of the Court in accordance with the actual posts and the needs of the court, and at the same time conducting in-depth study of the staff of the Court and its abilities, and to make a comparison between the number of employees within the Appeal Court to include their qualifications and specialties and the actual volume of work they have, and that is in order to determine the needs of the Court of manpower and assess the training needs, and work to reduce the gap based on the results of the study through:

- Recruitment of qualified staff and according to the results of the study
- Develop the capacity of the existing staff by proposing multiple training programs fit and functional needs.
- The redistribution of posts within the court and the transfer of staff consequentially to suit the needs of the work of the Court and the qualifications that the staff has.

Must be taken into account when conducting this study any other initiatives will be taken, including the needs of the technical office if decided to be established including the legislative amendments, the training needs, and the extent of the impact of these initiatives on the of the workload on the staff.

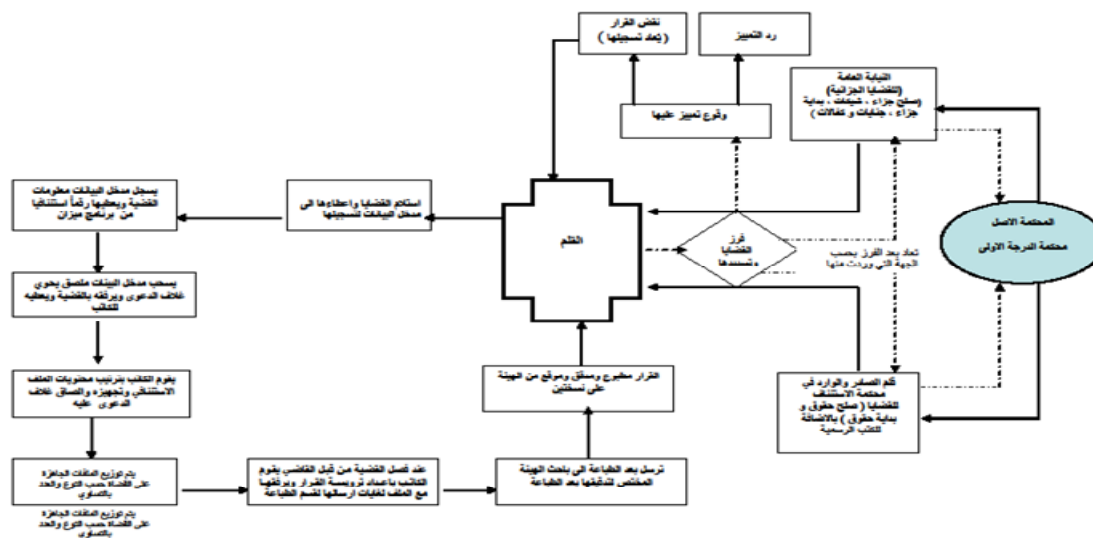
### C. The procedural framework

The procedural framework includes deal with two parts:

- 1- Work procedures, this side includes the work procedures at the court at Amman Court of Appeal and its documentation in addition to the pressure of the public and the challenges in this respect
- 2- The infrastructure, this part clarifies the space, the offices equipments, the contact and communication, the systems and the equipments, the files at the Appeal Court and the challenges in this respect.
- 3- The needs to establish a technical office for Amman Court of Appeal, this part clarifies the needs of the technical office of space, office equipments, contact and communication, the systems, the tools, the devices and equipments.

## 1. Work procedures

The figure (6) below shows the work procedures inside Amman Court of Appeal from the receipt of the case until disposed:



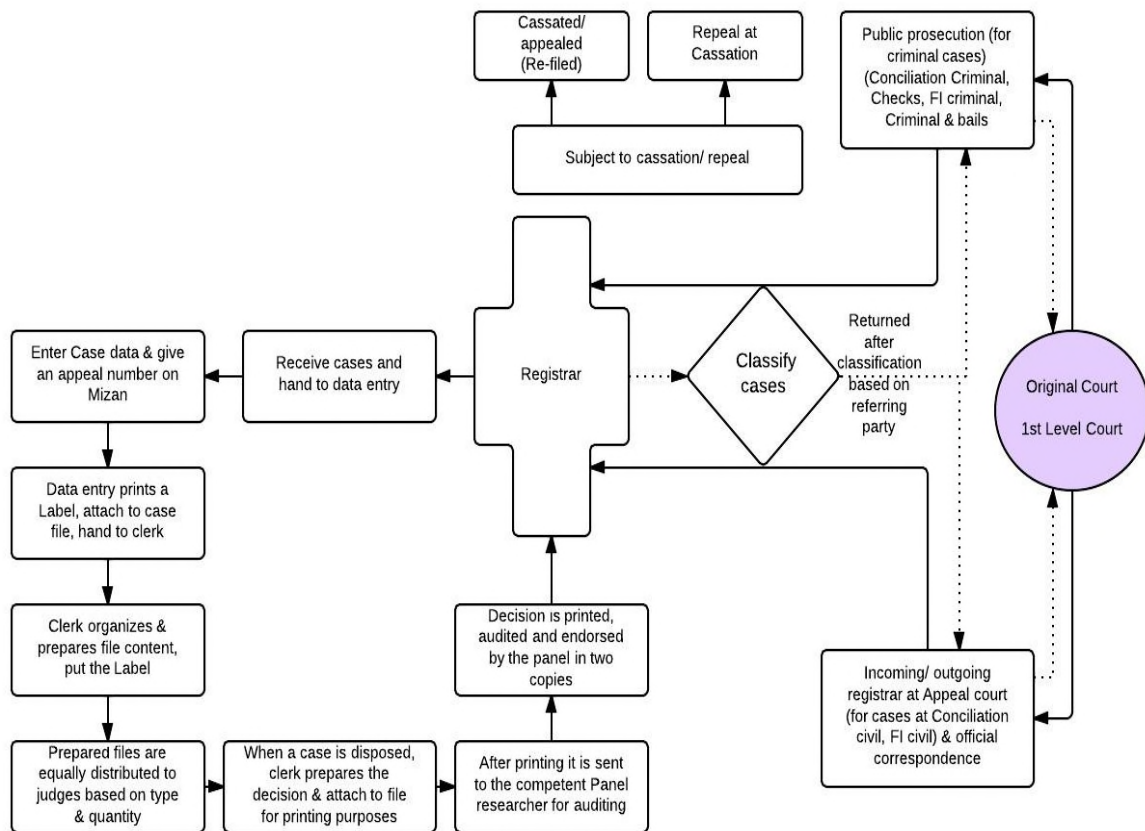


Figure number (6)<sup>17</sup> indicates the work procedures inside Amman Court of Appeal

### 1.1 Problems in the work procedures

Figure (6) shows the working procedures of Amman Court of Appeal since the date of sending the appeal case file from the concerned authority until the date of its completion, where the case passes through stages starting with the receipt and then distribution and registration on the Mizan system and sending to the judges panel, and then follow-up in terms of notification and the proceed in the case either by audit or pleading form as is the case until the decision is made in the case and then printed, revised, signed, the payment of case fees at the competent section and hence referring the case either to the competent court or to the Court of Cassation in the case where the appeal judgment was objected for cassation.

Through talking with the judges and staff of Amman Court of Appeal (civil and criminal) it becomes clear the presence of the following problems in the work procedures:

- There exists a lost period between the date of receipt of the case by specialized section and the date of registration of the case which is not clear in the figure above. For in reality the appealed cases are referred to Amman Court of Appeal from the court of origin and sent to the specialized section (civil or criminal) where the case remains without registration from the date of its receipt by the competent section until the date of its distribution for the reason

<sup>17</sup> According to the figure provided by the criminal appeal chief clerk

to avoid its calculation with the pending cases number and this is until the issuance of an order of the court head to distribute the cases. This gap reflects on the real number of the pending cases at the court, and the same time on the actual life time processed case before Amman Court of Appeal, where the life time of the case begins from the registration date of the case at the court in accordance with the law.

- Depending on the administrative procedure the Head of the Court distributes the cases on the Court's panels, so that the head of the panel responsible for deciding on all the first instance cases and felony cases, while other members of the panel shall decide civil conciliation cases and other criminal cases. The head of the panel may demand the panel members to help him in some of the cases that fall under his responsibility, but this is not obligatory. Such a procedure would delay the distribution of the cases accompanied with the size of the workload for each panel in general and the judge workload in specific,
- The existence of a difficulty to retrieve the case information from the Court of origin when received which requires the re - entry of data. This requires time and effort in addition to the lack of some of the data and the difficulty in obtaining them as is the case with the national number.
- The centralized notification process affects the process of work procedures, where there is no easy communication with the notifiers, making it difficult to follow-up on the notifications and thus delay the notifications procedures.

#### ➤ Recommendations

- Reconsider the work procedures at Amman Court of Appeal in consideration of the applied legislation for the correlation of these procedures with it, and work on the treatment of the distribution problem by creating a temporary registration mechanism for the case until it is distributed, and attempt to reduce the time required for the distribution process through delegating the distribution powers to any of the court judges.
- Create a proper mechanism to distribute the cases on the member of the appeal panel equally and that guarantees an equal distribution of the workload and consequently accelerates the litigation process.
- In regard to the centralized notification there should be created a mechanism for communication between the competent employee in Amman Court of Appeal and the notification section that is documented in a written form for follow purposes of the notification procedures and the receipt of the notifications in a way that accelerates the notification procedures.

### 1.2 Documentation of the work procedures

Amman Court of Appeal depends on the Mizan software to document the data related to the cases referred to it. Meanwhile the employees still depend on the manual documentation for the distribution and registration procedures where manual charts are prepared and then reflected into the Mizan program later on. The manual documentation is also used when the case is disposed where the disposition date is registered in a manual chart form at the time of the distribution in a process called "drafting"

The employees also emphasized that the Incoming and outgoing is documented manually using the manual charts that is prepared on excel sheets for documenting the Incoming and outgoing of the

court. There exists no advanced system for the purpose of document or automating the process of Incoming and outgoing inside the Court. Some of the observations of the field indicate that Incoming and outgoing section doesn't obtain any computers inside the office and it seems that they depend on the equipments available at the other sections and clerk offices for the purpose of making these charts.

The staff confirmed the existence of weakness in the documentation of all procedures accurately in addition to weakness in the entry process and lack of audit, due to a shortage of human resources of the Court and equipment, in addition to the weak capacity of staff in the use of Mizan

➤ **Recommendations**

- Review procedures that have not been computerized as the measures for the incoming and outgoing, and work on computerization, taking into account the applicable legislation.
- Staff training on Mizan applications and data entry mechanism accurately, while creating an effective mechanism to monitor the quality of entered data.

### 1.3 Existence of unified work procedures

The employees emphasized that Amman Court of Appeal lacks the existence of a unified work procedures that is written and that documents the role of each department and clerk office in a clear form for all the employees working at the court, and simplify their understanding of the administrative and legal procedures that regulates their workflow, with the frequent staff movements from one clerk office or department to another within the court. But that some of the work procedures have been simplified and documented based on personal effort by some of the staff and based on their practical experience depending on no a real documentation that depends on clear administrative and legal foundations.

On the other hand the judges of Amman Court of Appeal see the need to develop specific procedures for each clerk and a section inside the court that determines the powers and functions of each employee with imposing an active monitoring and urge the employees to work according to specific mechanisms to ensure the seriousness and quality of the staff implementation of their jobs task , as the staff often hesitate to perform some of the tasks for the reason that they do not fall within their powers due to the lack of written documented procedures documented that express the workflow and procedures for each clerk offices and sections .

➤ **Recommendations**

- Preparation of a practical guide that unify the working procedures for all departments and clerk offices at Amman Court of Appeal with determining the time required to complete each one of these procedures, taking into account the legal periods set forth in the legislation, and training of the staff on these procedures.

### 1.4 The load of the public and the limited powers of the information (inquiry) section (desk).

- In Reference to the guiding questionnaire used during the study a number of employees who work in the clerk offices of the Court confirmed that they suffer along with work pressure, the pressure of the lawyers and visitors of the Court as the information section deals only with the simple inquiries using the computerized Mizan software, and therefore the staff is obliged to deal with lawyers and the public.

➤ **Recommendations**



- Establish one exhaustive station for the public service and in way that reduce the pressure on the employees.

**Matrix: The procedural framework (work procedures) – current status, challenges and recommendations**

Current status	Challenges	Recommendations to bridge the gap
<p>1. - There are some problems in the working procedures of Amman Court of Appeal, namely:</p> <ul style="list-style-type: none"> <li>- The existence of a missed period between the date of receipt of the case by the competent clerk office and the date of its registration whereas the case remains without registration from the date of its receipt till the date of the case distribution avoid counting it as part of the pending cases of the court.</li> <li>- The referring of the criminal and civil first instance cases to the head of the appeal panel while referring the conciliation cases the other criminal cases to the member judges of the appeal panel.</li> <li>-The existence of a difficulty to retrieve the case information from the Court of origin when received which requires the re - entry of data and the difficulty in obtaining them as is the case with the national number.</li> <li>- The centralized notification process affects the process of work procedures</li> </ul>	<p>The existence of such problems in the work procedures would delay them, and prolong the life time of the case, thus reflects negatively on the volume of work at the court, not to mention the more effort and time needed when the case data is re-entered when received from the court of origin. In addition, the lack of communication with the notifiers in an easy way hardens the communications follow up and delays the proceedings.</p>	<p>1- Reconsider the work procedures at Amman Court of Appeal in consideration of the applied legislation for the correlation of these procedures with it, and work on the treatment of the distribution problem by creating a temporary registration mechanism for the case until it is distributed, and attempt to reduce the time required for the distribution process through delegating the distribution powers to any of the court judges. And create a proper mechanism to distribute the cases on the member of the appeal panel equally and that guarantees an equal distribution of the workload and consequently accelerates the litigation process.</p> <p>2- In regard to the centralized notification there should be created a mechanism for communication between the competent employee in Amman Court of Appeal and the notification section that is documented in a written form for follow purposes of the notification procedures and the receipt of the notifications in a way that accelerates the notification procedures.</p>
<p>2. The weakness in the accurate documentation of all procedures in the court. Adding to that the weak data entry process and lack of audit. Adding to that the lack of unified work procedures that is written and that document the role of each department and</p>	<p>1. Lack of a unified work procedures for employees leads to dependency on the personal diligence in the documentation process based on the practical experience of the staff without there being a real documentation that depends on administrative and legal basis.</p>	<p>1- Review the procedures that have not been computerized as measures for incoming and outgoing, and work on their computerization, taking into account the applicable legislation.</p> <p>2- Preparation of a practical guide that unify the working procedures for all departments and clerk offices at Amman Court of Appeal with</p>



clerk office in a clear form for all employees working for the court.	2. Lack of knowledge of the staff of the characteristics provided by the software, mainly legal researchers and the section of incoming and outgoing.	determining the time required to complete each one of these procedures, taking into account the legal periods set forth in the legislation, and training of the staff on these procedures. 3- Staff training on Mizan applications and data entry mechanism accurately, while creating an effective mechanism to monitor the quality of entered data.
3. The pressure of the visiting public on the employees with the limited powers of the information desk inside the court.	The pressure of the public on the employees and the limited powers that the information desk enjoys reflects on the employee inside the court where they become obliged to respond to the public requests and lawyers beside their tasks and work assigned to them.	Establish one exhaustive station for the public service and in way that reduce the pressure on the employees

## 2. The infrastructure

### 2.1 The space and office equipment

Amman Court of Appeal suffers of a limited space in comparison to the workload that the court has, where the departments and its clerk offices in addition to the judges offices and the court rooms are distributed on two floors of the total space of the Justice Castle, part of which is also allocated to the administrative offices of the Court of Cassation.

The court also suffers of an improper division and distribution of the departments and clerk offices where these are allocated far from each other in a way that affects the efficiency of the workflow, files transfer and contact and communication among them with the absence of the appropriate communication devices within this space. Adding to that the continuous reallocation of the clerk offices and the other departments from time to time, this affects in the public movement inside the court.

Regarding the office equipment as a place suitable for the implementation of the work, most of the departments and the clerk offices in addition to offices of some of the judges suffer from poor ventilation and lack air conditioning which thus affecting the workflow and good productivity, as the lack of space in the court caused the preparing of small spaces that do not have any ventilation outlets for work purposes .

#### ➤ Recommendations

- Transfer the offices of the Court of Cassation to the building of the Court of Cassation, if possible, and use it for the work of Amman Court of Appeal.
- Reconsider the distribution of the departments and the clerk offices, and put them in one facility to facilitate the communication and reduce the movement of files.
- Renovate those places and offices that are not fit as a working space and qualify its inside according to the required health conditions.

## 2.2 Contact and communication

The work of Amman Court of Appeal is associated with the rest of the judiciary organs represented in the other courts following the territorial jurisdiction of Amman Court of Appeal and the Attorney General's Office in addition to the Court of Cassation. The correspondences between Amman Court of Appeal and these bodies is done through written letters and manual tables that are either sent by regular mail or ARAMEX when keeping up a correspondence with those bodies in the far governorates. In case where there is a need for a fast communication with these bodies it is done through other means of communication such as telephone, fax, but this is not considered as an official supported means of communication.

Amman Court of Appeal communicates with all relevant ministries and departments through directing the Annotations upon the request of lawyers and the public in issues related to the case course of action and evidence, as the court formally addressing these entities through written letters to be handed over directly to the lawyer or the references, or to be sent by the regular mail.

Inside the court sections and the clerk offices the communication is performed among the staff in a verbal form or using the phone although rare, except in the cases that require a formal correspondence such as sending the files then the communication is performed using official letters official manual records.

The court lacks the presence of a computerized system linking internal departments and the clerk offices, and between them and other organs of the judiciary, that can keep track of correspondence and movements, including the movement of files. In addition to the court's lack of means of communication and electronic communication.

Amman Court of Appeal prepare monthly reports showing the size of the work of the Court in concerned month where the report includes previous month pending cases added to it the pending cases to produce the total of the total pending cases for the month, and then deduct from this total the number of cases disposed during the current month to result in a total rounded cases for the following month. The report is prepared by the Quality Control Department in collaboration with the Chief of Staff to be sent to the concerned office at the Judicial Council to be used for the purpose of preparing the judicial authority annual report.

The preparation of the monthly reports depends on the court records as present in the Mizan software and the manual records at the court. The Court does not have standards to measure the volume of the actual work of the judges and staff inside the court.

### ➤ Recommendations

- Provide quick ways to communicate among staff inside the court and between them and other organs of the judicial system through the creation of a computerized system that would enable the tracking of the correspondences and movement of files, taking into account the legislation governing the work of the court.

## 2.3 Regulations and tools

The software that is used at all courts of the kingdom is the Mizan software that comprises all the procedures in relation to the cases that goes in and out of the court. Amman Court of Appeal suffers from the lack of knowledge among some of the employees of the features that the software provides and particularly the legal researchers and that is because they don't have the necessary computers and

the lack of the necessary training on the use of the software. In addition to the incoming and outgoing section that lacks any of the computers and the dependency of the employees in this section on the manual data entry which assures the ignorance of the staff in this section of the applications of the Mizan software,

The most of the employees emphasized the presence of a problem in the data entry process in a way that affects the accuracy of the entered data and consequently affects the accuracy of the monthly reports of the courts performance. There is no mechanism to monitor the entered data for the role of the quality control section is of a statistical feature in the first place and serves only the preparation of the monthly reports. In case of a mistake in the data entry then a written letter is sent to the quality control section at the ministry to correct the mistake.

Speaking with the court employees about the technical problems they face with the Mizan software they are summarized as follows:

1. The requests in the Mizan software: where the information about the case requests is connected to the case in the software which causes that the decision provided in the request is not independent and remains connected to the final disposition of the case.
2. The old information related to the judges of Amman Court of Appeal and its incompatibility with the facts on the ground which requires the update of this information on the Mizan software.
3. Transfer of the return date of the case to the principal monitor for facilitation.
4. No link with the original courts harden the retrieval of the case information by the clerk offices employees from its court of origin and having to re-enter the data related to the case.

Besides the Mizan software there is a lack of the legal software that assist in the legal research and legal studies especially in the legal researchers section.

#### ➤ Recommendations

- Perform an in depth research in participation of the judges and employees in the court to identify the problems that face them because of application of the Mizan software and work on their modification.
- Search the possibility to use the software in connection with other organs following the judiciary and that follows on the correspondences and files movement and preserve the file contents in accordance with what the financial capacities permits and the legislation regulating the court work.
- Provide the legal software in Amman Court of Appeal and in particular the legal researchers section.

## 2.4 Equipments and tools

There exists a lack in the number of equipments and tools necessary for Amman Court of Appeal's work, adding to that the old age of the currently used equipments and devices and the invalidity of some of them which affects the quality and the effectiveness of the work. Also suffers some departments and sections at the court from the shortage of furniture especially the file cabinets in addition to the old, improper and expired furniture.

The table number (2) shows Amman Court of Appeal needs of equipments and devices<sup>18</sup>

<sup>18</sup> According to the Appeal Court of Amman inventory of the needs in April 2013

Serial number	Clerk /Department/ Office	Printers	Computer	fax
1	Chief of staff	1	1	1
2	Civil Conciliation Clerk -1	1	1	
3	Civil Conciliation Clerk -2	1	1	
4	Cassation Clerk		1	
5	Misdemeanors Clerk -1	1	1	
6	Misdemeanors Clerk -2	1	1	
7	Printer -1	3	1	
8	Printer -2	3		
9	Printer -3	2	1	
10	Information		1	
11	Civil First instance Clerk	1	1	
12	Criminal Conciliation Clerk	1	1	
13	Felonies Clerk		1	
14	Follow up Clerk -1	1	1	
15	Follow up clerk -2	1	1	
16	Follow up clerk -3	1		
17	Follow up clerk -4	1	1	
18	Follow up clerk -5	1	2	
19	Fees Clerk	1	1	
20	Quality control Clerk	1		
21	Head office + the printer	2	1	
22	Court room (1-9)	9	9	
23	Judge Farhan Owaidah	1	1	
24	Judge Marwan Mbaideen	1	1	
25	Judge Mohammed Khawaldeh	1	1	
26	Judge Ahmad Mahassneh	1	1	
27	Judge Majed Allazab	1	1	
28	Judge Jamal Alzu'bi	1	1	
29	Judge Ahmad Bayaydah	1	1	
30	Judge Omar Diab	1	1	
31	Judge Zyad Alodwan	1	1	
32	Judge Saleh Almur + Mohamed Alnsour	2	2	
33	Judge Hussein Alrahamneh	1	1	
34	Judge Senan Suleiman	1	1	
35	Judge Mohamed Althawabi	1	1	
36	Judge Sami Almanaseer	1	1	
37	Judge Omar Khuleifat	1	1	
38	Judge Ali Abu Hujeilah	1	1	
39	Judge Akef Albsharat	1	1	
40	Judge Mohamed Aldmour	1	1	
41	Judge Walid kanakrieh	1	1	
42	Judge Ihssan Barakat	1	1	
43	Judge Zuhair Alomary	1	1	
44	Judge Khaled Alkatawneh	1	1	
45	Judge Sattam Alhawamdeh	1	1	

It is worth mentioning here the judges offices needs of equipments and tools, where every judge obtains a computer from an old style and few of the judges ‘offices obtain a computer and a printer.

As of the supplies, it has been assured by the majority of Amman Court of Appeal staff that there is scarcity in the supplies in terms of paper, office supplies of staples, threads, ink and others and most of the times the employees buy their own supplies. The employees use insecure tools such as a knife to separate the appeal court case file from the court of origin case file when the case is disposed to return the file to the court of origin.

#### ➤ Recommendations

- Provide more upgraded computers in terms of memory size and the softwares in accordance with the tasks of each employee.
- Provide the court with new equipments and furniture that might improve the workflow.

## 2.5 Files and their preservation

The court employees assured that the quality of the used files is poor and that they are easily damaged which forces them to cover it from time to time a process that is very exhausting. In addition the threads used to assemble the papers and evidence inside the appeal case file are very weak and damage easily.

Of the field remarks is that the files are preserved either on shelves of iron as the case in the warehouses and some of the criminal clerk sections. Or, sometimes files are preserved in wooden or iron cabinets and many of which are in bad shape and not suitable for use in addition to the shortage in the number of required cabinets the case that leads to place the files on the upper surface of these cabinets or on the chairs or on the desktops as is the case in the printers sections and criminal and civil clerk sections.

The preservation of the files and there serialized preservation depends on manual methods and tables expressed in the identification of the case date or the case arriving date and the court don’t apply the principal of computerized preservation of the cases files data

#### ➤ Recommendations

- Find an easy mechanism to preserve the files at the sections and clerk offices instead of the manual records and the manual methods, that would facilitate the follow up of the case and the Mechanism of their movement.

### Matrix: The procedural framework (infrastructure) – Current status, challenges and recommendations.

Current status	Challenges	Recommendations to bridge the gap
1. Amman Court of Appeal suffers of a limited space in comparison to the workload that the court has, where the departments and its clerk offices in addition to the judges offices and the court rooms are distributed on two floors of the total space of the Justice Castle,	Lack of space compared to the workload given to Amman Court of Appeal called on to provide unhealthy unsuitable locations for work for both judges and staff, thus affecting the good work productivity. The lack of coordination in the distribution of the clerk offices,	1. Transfer the offices of the Court of Cassation to the building of the Court of Cassation, if possible, and use it for the work of Amman Court of Appeal. 2. Reconsider the distribution of the departments and the clerk offices, and put them in one facility to facilitate the communication and reduce the movement of files.

<p>part of which is also allocated to the administrative offices of the Court of Cassation.</p> <p>The court also suffers of an improper division and distribution of the departments and clerk offices where these are allocated far from each other in a way that affects the efficiency of the workflow, files transfer and contact and communication among them with the absence of the appropriate communication devices within this space. Adding to that the continuous reallocation of the clerk offices and the other departments from time to time, this affects in the public movement inside the court.</p> <p>Regarding the office equipment as a place suitable for the implementation of the work, most of the departments and the clerk offices in addition to offices of some of the judges suffer from poor ventilation and lack air conditioning which thus affecting the workflow and good productivity, as the lack of space in the court caused the preparing of small spaces that do not have any ventilation outlets for work purposes.</p>	<p>sections and spacing affect the efficiency of the workflow and file transfer mechanism and communication among these departments and sections with the absence of the appropriate communication devices inside the court.</p>	<p>3. Renovate those places and offices that are not fit as a working space and qualify its inside according to the required health conditions.</p>
<p>The contact and communication methods is limited to the direct contact among the employees internally or through the official letters if the contact and communication is required outside the court house with the use of the fixed phone lines and faxes that is located in the head office and that is in case of urgency.</p> <p>The court also lacks the presence of a computerized system linking internal departments and the clerk</p>	<p>The documentation of the official correspondences with the concerned bodies, but still continue be difficult the communication between employees and the employees of other judicial organs within the judiciary, this affects the speed of the procedures especially in the cases where there exists a shortage and in the follow up of the notifications.</p> <p>There is no presence of the legal</p>	<p>1. Provide quick ways to communicate among staff inside the court and between them and other organs of the judicial system through the creation of a computerized system that would enable the tracking of the correspondences and movement of files, taking into account the legislation governing the work of the court.</p> <p>2. Consider the necessity to make available the proper electronic communication means and electronic networking in the technical office of Amman Court of Appeal, in case decided to be established, and that is to</p>

<p>offices, and between them and other organs of the judiciary, that can keep track of correspondence and movements, including the movement of files. In addition to the court's lack of means of communication and electronic communication.</p> <p>Only limited versions of the legal softwares are available at Amman Court of Appeal</p>	<p>softwares needed for the judicial works and the legal research. The legal researcher section lacks any of the legal softwares that help them in the research and perform their tasks</p>	<p>guarantee the office connection with the technical office of the Court of Cassation and the appeal judges and to assure the effectiveness and accelerate the exchange of information.</p>
<p>The software that is used at all courts of the kingdom is the Mizan software that comprises all the procedures in relation to the cases that goes in and out of the court.</p>	<p>The technical problems with the Mizan software are summarized as follows:</p> <p>a. The requests in the Mizan software: where the information about the case requests is connected to the case in the software which causes that the decision provided in the request is not independent and remains connected to the final disposition of the case.</p> <p>b. The old information related to the judges of Amman Court of Appeal and its incompatibility with the facts on the ground which requires the update of this information on the Mizan software.</p> <p>c. Transfer of the return date of the case to the principal monitor for facilitation.</p> <p>d. No link with the original courts hardens the retrieval of the case information by the clerk offices employees from its court of origin and having to re-enter the data related to the case.</p>	<p>Perform an in depth research in participation of the judges and employees in the court to identify the problems that face them because of application of the Mizan software and work on their modification, and search the possibility to use the software in connection with other organs following the judiciary and that follows on the correspondences and files movement and preserve the file contents in accordance with what the financial capacities permits and the legislation regulating the court work.</p>
<p>There is available in the sections and the clerk offices a number of equipments and devices that serve the processing of the work procedures , and it includes in general:</p> <p>Different computer devices</p> <p>Printing devices and scanners and photocopiers</p>	<p>1. The equipments used are very old and outdated especially the computer devices. There is also a shortage of file cabinets, and the furniture is very old and consumed in the most part of it which oblige the employees to preserve the file on the top of cabinets and on the chairs.</p>	<p>1. Provide more upgraded computers in terms of memory size and the software in accordance with the tasks of each employee. Provide the court with new equipments and furniture that might improve the workflow.</p> <p>2. Find an easy mechanism to preserve the files at the sections and clerk offices instead of the manual records and the manual methods, that would facilitate the follow up</p>



Contact devices ( phones, faxes) Furniture of different types (desks, chairs, cabinets....etc	2. Some of the sections as the ingoing outgoing section and the research section don't have any of the computer devices or any legal software. 3. There is a shortage of in the communication means such as the phones, faxes, photocopiers and air conditioning. There are only two faxes only in all the court located at the chief of staff offices and the head of the court office.	of the case and the Mechanism of their movement. 3. take into consideration the technical office needs of tools and the equipments necessary for the proper work of the office, including computers, faxes, phones, photocopiers and scanners. In addition make available the internet service that enables performing legal and judicial researches as well as the communication with courts in the Arab world.
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### 3. The need to establish a technical office at Amman Court of Appeal

As well as the challenges associated with the procedural framework of Amman Court of Appeal, the judges and staff confirmed, in the process of their talk about the challenges facing the establishment of the technical office of Amman Court of Appeal, the need to provide adequate space for the Technical Office with all the necessary equipment in terms of furniture computers and photocopiers and scanners, as well as the software and regulations, including legal software.

The judges and staff stressed on the need to renovate the library space and provide the Internet service for the technical office to ensure access to the Arab and foreign sources and ensure efficiency and speed of information exchange. In addition to the need to provide connectivity of the judges and panels in Amman Court of Appeal with the appeal court technical office to ensure a rapid response to their requirements in terms of providing them with the decisions and legal sources, as well as linking with the Technical Office the Court of Cassation to facilitate the provision of resources and jurisprudence.

#### A general summary of the procedural framework

In general and in relation to the procedural framework of Amman Court of Appeal, it is hence required to reconsider the applied work procedures inside the court and attempt to simplify and accelerate them and try to treat the backlogs points, and that is accordance with the laws and legislation regulating the work at the court through the following methodology:

1. Delegate the diffusion powers to one of the judges at Amman Court of Appeal to help the head of the court in this process and reduce the load of his shoulder, in a way that does not contradict with the applicable laws.
2. Study and analyze the applicable procedures and document it precisely with the identification of the time needed to accomplish the different steps of work in consideration of the legal periods as provided by the concerned legislation, with the possibility to computerize the currently not computerized procedures to facilitate and accelerate their implementation.
3. Prepare a unified procedures manual for all clerk offices and sections at the Appeal Court and distribute it on all the employees and train them on it.

In addition to the necessity to provide Amman Court of Appeal with all the equipments and software that facilitate its internal workflow and its connection with the outside organs, and provide the necessary trainings for employees on these programs and tools.



## The feasibility of the application of the technical office at Amman Court of Appeal

Through the meetings performed with the technical office judges at the Court of Cassation and the appeal judges and the staff, in addition to the employees remarks in the questionnaire distributed during the study, the feasibility of establishing a technical office at Amman Court of Appeal can be summarized in the following points:

- Reduce the load on the appeal judges in terms of providing them with the assistance in managing the cases submitted to the court and through the review of these cases at the time of their registry and reduce the mistakes in the notifications and the shortage of documents and audit of the fees.
- Help reduce the life period of the case where the auditing process of the case from the time when it is received may help evade the shortages and consequently shorten the lifetime of the case.
- Help reduce the workload at the court through sorting of the cases that is rejected in form of the other cases and provide an administrative mechanism to distribute the cases and dispose them in a timely manner.
- Reduce the errors in the judgments issued by the appeal court resulting of the work load at this court and consequently reduce the workload on the technical office at the Court of Cassation.
- Assure the quality of judgments provided by the appeal court.
- Avoid the contradiction among the appeal court judgments through providing the judges panels with the fixed jurisprudence and studies.
- Provide the appeal court judges with the administrative and legal support through reviewing the judgments and summarizing them.
- Provide the appeal court judges with the legal support through the fast provision of the Arabic and Jordanian references and resources.
- Activate the role of the legal researchers at the appeal court.
- Guarantee the quality of the reports about the court's work through the participation of the technical office in their preparation.

However, the judges of the Appeal Court and the Technical Office of the Court of Cassation believe that the application of the technical office should be phased so proceed with the application of the idea in a certain type of issues starting with a pilot project on the civil cases that is heard by court in pleading form, due to the volume of work at the court, which requires a large cadre of staff with specific qualifications and specialties.

The judges also that to assign a single judge to work for the technical work office , while focusing more on the administrative side in terms of employing a staff of an extensive practical experience in the works of the courts, in addition to hiring linguists and specialists and train them on the work of the technical office.

## Recommendations

After referring to the practical status at Amman Court of Appeal from the legislative and institutional and procedural framework and the challenges in each of the framework and those of which related to the technical office, following are the general recommendations in addition to the detailed recommendations that have been indicated in each of the frameworks related to the work of Amman Court of Appeal and the possibility to establish a technical office for it:

### ➤ In the legislative framework

1. Conduct an in depth seminar to include the judges from all the court degrees, the court staff the sections and the clerk offices managers , and the Ministry of Justice, and the lawyers to identify obstacles in the application of these laws in addition to procedural obstacles, and come up with recommendations on amendments on these laws, to be taken into account in the drafts currently being prepared especially the Civil Procedures draft law, the Criminal Procedures draft law, and the enforcement law to reduce the workload of the courts in general and Amman Court of Appeal in particular.

➤ **The institutional framework**

1. Reconsider the structure of Amman Court of Appeal and put a structure that reflects the actual situation in the court and that explains the relations between the different sections and clerk offices and the communication mechanism amongst them.
2. Perform an in depth study for the human resources at the court and their capacities and perform a comparison between the number of staff inside Amman Court of Appeal, their qualifications and specialties and the actual workload at it. This is to be done to identify the court's needs of the human resources and evaluate the training needs of the staff and provide an incentives program to encourage the employees at Amman Court of Appeal, if possible.

➤ **The procedural framework**

1. Reconsider the work procedures at Amman Court of Appeal, and attempt to simplify the procedures and accelerate them to treat the backlogs point in accordance with the applied legislation that regulates these procedures. This should be done through the application of a methodology that contributes to the delegation of powers and the documentation of the procedures and their computerization, in addition to the preparation a unified procedures manual for all the sections and clerk offices of the appeal court.
2. Prepare and equipping of Amman Court of Appeal with all the required equipments and devices and software necessary to facilitate the workflow inside the court and its contact with the outside concerned organs.

➤ **In the technical office of Amman Court of Appeal**

1. Apply the idea of the technical office of the appeal court on phases where it should be applied as a pilot initiative where the office tasks should be limited to the follow up and audit of certain type of cases such as the civil cases that are proceeded in pleading form and then expand the initiative if proved to be successful.
2. Perform a seminar with the judicial council and the ministry of justice about the legislative modification to be introduced to the regular courts formation law in relevance to the establishment of the technical office and about the temporary administrative measures to be taken to establish the technical office until the legislative modification is performed.
3. Taking into consideration, when any of the procedures or recommendations suggested for the purpose of any of the three frameworks in relevance to the workflow at Amman Court of Appeal, the technical office needs if decided to be established including, the number of judges, qualified and specialized human resources, the staff and judges training needs, the documentation of the work processes, office space need of equipments, softwares, tools and electronic networking.